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*Publications*  
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*Vol. 24*  
YEAR BOOKS OF EDWARD II.

*Vol. 5*  
VOL. V.

THE EYRE OF KENT

6 & 7 EDWARD II.

A.D. 1313-1314

VOL. I.

EDITED  
FOR THE SELDEN SOCIETY

BY

THE LATE FREDERIC WILLIAM MAITLAND

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OF LINCOLN'S INN, BARRISTER-AT-LAW

THE LATE LEVESON WILLIAM VERNON HARCOURT

OF GRAY'S INN, BARRISTER-AT-LAW

AND

WILLIAM CRADDOCK BOLLAND

OF LINCOLN'S INN AND THE NORTH EASTERN CIRCUIT, BARRISTER-AT-LAW

*He [Serjeant Maynard] had such a relish of the old year-books that he carried one in his coach to divert him in travel, and said he chose it before any comedy.*

ROGER NORTH

*C'est toute la tragédie, toute la comédie humaine que met en scène sous nos yeux l'histoire de nos lois. Ne craignons point de le dire et de le montrer.*

ALBERT SORL

LONDON

BERNARD QUARITCH, 11 GRAFTON STREET, W.

1910

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THE  
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*περὶ παντὸς τὴν ἐλευθερίαν*

VOLUME XXIV  
FOR THE YEAR 1909



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The Dear Books Series.

VOL. V.





NOTE ON VOL. 24, 'EYRE OF KENT.'

Subscribers will kindly note that, although there appears to be an error in the paging of the Introductory part of Volume 24 by the omission of pp. vi-xii, there is in fact nothing missing from the work.



# PREFACE

BY THE HONORARY SECRETARY.

A FEW words may be written on the production of this Volume.

No report of any Eyre appears in the old printed edition of the Year Books of Edward II. Shortly after this Society had undertaken the issue of a revised edition, Professor Maitland discovered in the University Library at Cambridge a manuscript of this Eyre of Kent of 6 & 7 Edward II. and determined to recommend it to the Society for inclusion in this edition. At some later time he made a rough transcript of it, which after his death was found by his wife among his papers. A note at the foot shows that it was finished on Sunday, 27 January 1901: and the only indication of its subject or purpose was a pencilled note on the outside—'Rough copy of the Kentish Eyre. Let B. F. Lock see this.' These notes led to the identification of the MS.; and Mrs. Maitland having generously placed the transcript at the disposition of the Society, the Council resolved to have it edited, translated, and published as one of this Year Books Series.

In March 1908 they engaged as editor Mr. Leveson William Vernon Harcourt, of Gray's Inn, the author of 'The Court of the Lord High Steward.' His industry and research in the libraries of the British Museum, Lincoln's Inn, and the Universities of Cambridge and Oxford led him to the discovery of fifteen other MSS. containing reports of this Eyre in whole or in part; and also revealed the fact that Professor Maitland's Cambridge MS.—Camb. Ff. III. 12 (now called  $\beta$ )—was apparently an inferior and very corrupt copy of one of the British Museum MSS.—Hargrave 210 (now called *aa*)—itself also corrupt.

Mr. Harcourt then set himself to the laborious task of collating the whole of these sixteen MSS. This was to some extent lightened by the co-operation of the authorities of the two Universities, who allowed their MSS. to be temporarily deposited at the Public Record Office for the purpose: for which help the Society is much indebted to them. The actual collation was completed by him subject to revision and collation with the Eyre Rolls; and in the month of



March 1909 a few pages of the revised text were sent to the printers. Immediately afterwards the whole work was thrown out of gear and stopped by the sudden and much regretted death of Mr. Harcourt.

Some months passed before the Council were able to secure the services of Mr. William Craddock Bolland, of Lincoln's Inn, as successor in the editorship; and it was then found necessary, owing to the mass of material, to divide the work into two volumes. The first volume is now published. Mr. Bolland has collated the Rolls of this Eyre and the Year Books and Rolls of the Cornish Eyre referred to and the necessary Plea Rolls, carefully revised the text, made the translation, added the calendar of jurors and bailiffs, written the Introduction, and compiled the indexes. The second volume will follow in due course.

It will be observed that in point of date—6 & 7 Edward II—this Volume V of the Year Books series is slightly in advance of the others already published—of which the latest, Volume IV, contains reports of 3 & 4 Edward II. No inconvenience will arise from this fact, as the subject of the Eyre is altogether distinct from the other reports. It has been thought desirable to produce as soon as possible a work of which Professor Maitland was the originator and to which he contributed a substantial share, as was also the case with Volume IV. This work is issued as the publication for 1909: the delay in its appearance is much regretted, but is sufficiently explained by this statement.

B. F. L.

Nov. 1910.



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# LIST OF MANUSCRIPTS

YEAR BOOKS OF THE EYRE OF KENT OF 6 EDWARD II		
1	α	British Museum, Hargrave 210, ff. 49-71
2	aa	" " " " ff. 180-214
3	β	Cambridge University Library, Ff. III. 12; ff. 2-19
4	γ	Bodleian Library, Tanner 13, ff. 415-485
5	γγ	" " " ff. 119-141
6	δ	British Museum, Harleian 1062, ff. 13-31
7	ε	" " Additional, 32086, ff. 6d.-13d.; 106-125
8	εε	" " " ff. 65-67d.
9	ζ	Lincoln's Inn, Hales MSS., 141, ff. 9-18, 22-47, etc.
10	η	British Museum, Cotton, Faust C. VI, ff. 26-35
11	θ	Lincoln's Inn, Hales MSS., 45, 40 unpagcd folios
12	κ	British Museum, Egerton 2811, ff. 111-123
13	κκ	" " " " ff. 1-21
14	λ	" " Harleian 453, ff. 43-50, 1 <i>et seq.</i>
15	μ	Cambridge University Library, Hh. III. 9, ff. 61-2, 65-67d.
16	ν	British Museum, Harleian, 6692, ff. 4d.-8d.
YEAR BOOKS OF THE EYRE OF CORNWALL OF 30 EDWARD I <sup>1</sup>		
17	σ	Lincoln's Inn, Hales MSS. 188
18	τ	" Year Books, Edward I. A.

<sup>1</sup> These MSS. were used by Mr. Howard in editing the Year Books of 30 & 31 Edward I (*Rolls Series*, 31) *et c.* Other and quite independent MSS. contain parts of the volumes edited; e.g. Hargrave 210 (Brit. Museum), Ff. III. 12 (Cambridge), Tanner 13 (Bodleian), Harleian 1062 (Brit. Museum) have been used in editing earlier volumes of Year Books in the *Rolls Series*, and are referred to therein respectively as Q, A, X, and S.

## ABBREVIATIONS USED IN THIS VOLUME

- C.E.R., Roll of the Cornwall Eyre of 30 Edward I.  
 E.R., Roll of the Kent Eyre of 6 Edward II.  
 F., French.  
 O.E.D., Oxford English Dictionary.  
 O.F., Old French.



# INTRODUCTION

## THE TABLE OF THE MATTERS

1. Of the Commission of a General Eyre and the effect thereof.
2. Of Boroughs in Kent.
3. Of those who came together at Canterbury by reason of the Eyre.
4. Of the Justices and two others.
5. Of the Opening of the Eyre.
6. Of the Busones.
7. Of the Preliminary Proceedings of the Eyre.
8. Of the Articles of the Eyre.
9. Of the Settlement of Presentments.
10. Of the Distinction between the Court for Crown Pleas and the Gaol Delivery.
11. Of the Making and Determining of Presentments.
12. Of Presenting and Delivering Juries.
13. Of the Knights' Presentments.
14. Of Grave Penance.
15. Of the Duration of the Eyre and of where it was holden.
16. Of Coroners.
17. Of the Cinque Ports and some other Liberties.
18. Of Prisons.
19. Of Prisoners Escaping.
20. Of Punishments.
21. A Note touching Abjuration.
22. Of the Pleading of Privilege of Clergy.
23. Of Deodands.
24. Of *Scotland v. Grantison* and some other cases reported hereafter in this volume.
25. Some Observations suggested by the Eyre Roll, and also some Extracts therefrom.
26. Of the Trades carried on by the People of Kent at the time of the Eyre.
27. Of the Year Books of this Eyre.
28. Conclusion.

### (1) OF THE COMMISSION OF A GENERAL EYRE AND THE EFFECT THEREOF.

THE Commission of a General Eyre comprehended all judicial commissions. The Justices were commissioned *teneré omnia placita*. The business of an Eyre fell into three main divisions—Pleas of Juries and Assizes; Pleas of the Crown; Gaol Delivery—and into these three



divisions, under these three headings, are the Rolls of an Eyre divided. It was the authority to hold the Pleas of the Crown, conveyed by the general commission *tenere omnia placita* and further confirmed by the giving in charge to the Justices of the Articles of the Eyre, that differentiated an Eyre from all other judicial commissions, and was its special characteristic. Other judicial commissions were empowered to deal some with one sort of plea, and others with other pleas. To the Justices of the Eyre alone were given in charge the Articles of the Eyre which suggested and rehearsed those Pleas of the Crown with which they alone were empowered to deal. When once they had opened their commission, and had so become fulfilled of their office, all other judicial commissions that might then happen to be sitting within the county for the trying of assizes or other pleas of any sort whatsoever went straightway and automatically into abeyance. And as it fared with the jurisdiction of Justices itinerant within the county of other and less comprehensive commissions, so it fared also with the jurisdiction of the permanent courts holden within the county. The work of county court and hundred court was stayed as soon as the Justices of Eyre had opened their commission and declared the purposes of their coming, save for the hearing of certain strictly defined matters. Even the King's commands to the Sheriff of the county that savour of judgment must receive the sanction of the Justices before they can be carried into effect.<sup>1</sup> Beyond the county and the county court and the hundred-courts the influence of the Eyre extended. Even the courts at Westminster were estopped from dealing with any business that touched the people of the county wherein the Justices were sitting. No court, no judge might do aught that should detract from the solitary supremacy of the Eyre over all persons and all causes within and touching the county.<sup>2</sup>

But it was not the stoppage of litigation of all kinds only outside the county town that the coming of the Justices of the Eyre brought about. It stopped, in theory at any rate, the buying and selling of the necessities of daily life throughout the county, save in the county-town only. 'No fair or market,' runs one of the proclamations made at the opening of the Eyre, embodying one of the provisions of the *Statutum de Sacramento Ministrorum Regis*,<sup>3</sup> 'shall be held anywhere

<sup>1</sup> See p. 79 *infra*.

<sup>2</sup> There is an order from the King to the Justices in Eyre in Kent, dated April 27, 1311, bidding them proceed with all speed to take all assizes of Novel Disseisin and Mortdancersthor instituted by the King's writs before

them in Eyre and before other Justices in that county, as the King wishes to accelerate justice, seeing that other Justices appointed to take assizes in that county ought not to take such assizes during the Eyre.

<sup>3</sup> *Statutes of the Realm*, i. 232.



within the county during the continuance of the Eyre, save in the city of Canterbury only.' The reason for such a sweeping order is not easy to see; and the discomfort and hardship entailed by anything like a general obedience to it must, seemingly, at a time when most food-stuffs were bought in the markets, have been very grievous. But, as a matter of fact, was any real obedience rendered to it? This seems very doubtful, and for these reasons: There was, if we may judge from contemporary evidence, no sort of general order made in those days—nor, indeed, in any other—that was not broken here and there, and now and again. But the breaking of an order contained in one of the proclamations made by order of the Justices of the Eyre meant that somebody was amerciable, that somebody might be made to make fine with the King. In the rolls of the Kent Eyre there is no record of anyone being amerced or put under judgment for a breach of the proclamation forbidding the holding of markets and fairs within the county; which seems to prove conclusively to those who see in these rolls how exceeding ready the Justices were to seize hold of the smallest peccadillo and turn it 'ad commodum Regis' one of two things, either that the order was completely obeyed or that its breach was overlooked. Of these alternatives the latter seems the only possible one. One other hardship, too, the citizens of Canterbury had to endure when the Justices came. 'Moreover it shall be commanded that no Hostelry be hired, but be granted freely to them that come.'<sup>1</sup> This statutory provision, too, found its way into one of the 'solemn cries,' and, maybe, got no further, for no one seems to have made fine with the King for the breach of it.

For the Sheriff of a county wherein an Eyre was to be holden the six weeks or so before the coming of the Justices—Britton tells us that he must have his writ of summons at least forty days beforehand—must have been full of work and full of responsibility; and it is this writ of common summons that shows us for how much he was responsible, and how much he had to do, or to get done, during the weeks before the Eyre. In the first place he has to summon pretty well everybody within the county of any particular rank or means to give his attendance at the opening of the Eyre. Then to four law-worthy men and the reeve of every town must a similar summons be addressed and sent. A dozen burgesses, too, from every borough are to be summoned; though, as we shall see presently, this meant little to our Sheriff of Kent. Then he has to find out where now are all who have been sheriffs since the last Eyre—and it was nearly twenty years since the last Eyre in Kent—and summon them, too, to come before

<sup>1</sup> *Statutes of the Realm*, i. 232.





the Justices. If any of those who had been Sheriffs were dead, he must find out who were the heirs or executors of such. He must be prepared, too, with the names of all who are or have been coroners since the last Eyre, and with the names of the heirs or executors of such as may be dead. Then, according to Bracton, somebody, in all probability the Sheriff, will have to see that the inhabitants of the several hundreds are enrolled in order; and the arrangements for this certainly cannot be left to the last moment. And the Sheriff knows, too, that in a certain round-about fashion a dozen jurors will have to be chosen from each hundred, and there were some seventy of these hundreds, at a very early stage of the Eyre. It will be necessary for him to see the several chief-bailiffs and make sure that all will be in working order. Then he has to see that all the legal business pertaining to the Pleas of the Crown that has been accumulating during the last twenty years, and all the arrears of other pleas and assizes which might have been disposed of by other judges but had not been so disposed of, are all before the Court *ita quod assise ille et placita pro defectu tui vel summonicionis tue non remaneant*—‘So that through no fault of yours there be any remainets.’ But this is far from all that is expected from the Sheriff. He is to see that proclamation is made in every city and borough and trading-town, ‘et alibi,’ throughout the county bidding all who claim franchise of any kind to come before the Justices and show cause. He must see to it, too, that further proclamation is made inviting all such as have any cause of complaint against bailiffs or any other public officials to give their attendance before the Justices at Canterbury, and there and then give voice to their grievances; and, proving the reality of them, there and then be awarded such amends as they are entitled to. Altogether a pretty calendar of business to be got through within six weeks. Nor could he take a holiday when he had got through it. Almost every page of the reports which follow in this volume show more work for the Sheriff to do, more responsibility for him to bear.

## (2) OF BOROUGHs IN KENT.

And here the editor of a Kent Eyre may properly make a short digression to note, in reference to the order to the Sheriff to summon ‘omnes liberos tenentes,’ that the Sheriff of Kent noted on the back of a writ from the King, dated just six months before the commencement of this Kent Eyre—a writ for levying the expenses of the knights of the Shire: ‘non sunt nisi pauci de tenura de libero feodo in comitatu Kancie,’ and these, he added, were too poor to pay aught. Almost all the men who attended the County Court, the Sheriff said, held by



gavelkind tenure. Then, again, this summons, which, of course, is drafted after a common form, directs that twelve law-worthy men be summoned from every borough—*de quolibet burgo*. But in Kent at this time there were no boroughs—that is to say no boroughs as contemplated by the writ. This we learn from the Sheriff's endorsements upon two writs received by him from the King, bidding him make return of knights, citizens, and burgesses to serve in Parliament. The earlier of these writs is dated January 8, 1313—less than six months before the coming of the Justices to Canterbury—and after making return of Knights of the Shire and of citizens to represent Canterbury and Rochester, the Sheriff adds 'Nulli sunt Burgenses quia nullus est burgus in Comitatu Kancie.' The second writ is dated July 26, 1313, and upon this the Sheriff makes the endorsement: 'nec est aliquod Burgum in balliva mea.'<sup>1</sup> Yet he who reads the reports of the Crown Pleas contained in this volume will find references to boroughs on every page.

Professor Vinogradoff gives the explanation of this. These 'boroughs' or 'borghs,' he says, were not really places at all. They were 'pledges,' that is to say societies of people who were jointly responsible for the good behaviour of each member of their own society or 'pledge'; and who were liable to amercement for the wrong-doing of any member of it. And so, when in the following pages we speak of the 'borough of A.' or the 'borough of B.,' we must be understood as meaning the society of people living at A. or B. who were mutually responsible for each other's good behaviour.

### (3) OF THOSE WHO CAME TOGETHER AT CANTERBURY BY REASON OF THE EYRE

We may now attempt to make some approximate estimate of the number of people that will have been gathered together in Canterbury to await the coming of the Justices. There were sixty-four hundreds and townships and five half-hundreds. With twelve jurors to the

<sup>1</sup> It seems worth while to chronicle in a note the names of those who were returned to Parliament. Under the first writ: Fulco Peyforer and Thomas de Sandwich, as Knights of the Shire; Simon Potyn and Robertus de Betlescume, citizens of Rochester; Clemens Ampoller and Johannes de Uffyntone, citizens of Canterbury. Under the later writ: Willelmus de Craye and Stephanus de Cobeham, Knights of the

Shire; Radulphus de Pising and Johannes Meynard, citizens of Canterbury; Simon Potin and Robertus de Betlescume, citizens of Rochester. From these returns we note not only that the Parliamentary representation of the county had undergone a considerable change in five months, but also that the non-existent boroughs had changed their gender within the same space of time.



hundred and township and six to the half-hundred, and also twelve each for the cities of Canterbury and Rochester, we get a total number of 822. Then we have all the great people of the county, as summed up in the writ of general summons. The number of these we can scarcely guess at. Neither is it possible to assess with accuracy the number of 'towns' in Kent at the time of this Eyre. Lambard wrote his *Peregrination of Kent* in 1570. Therein he tells us that 'The whole shyre hath long been and is at this day divided into five parts, commonly called Lathes, not altogether equal, which also be broken into hundredethes, and they againe parted into townes and borowes, most aptly for assemblie and administration of Justice.' He gives us a topographical calendar of the lathes and hundreds, and of the towns and boroughs contained in these latter. There are 145 places which he describes as towns. There are very many places to the names of which he affixes no description at all. According to his calendar there are twenty-seven hundreds which do not contain a single 'town,' that is to say there is no place in those hundreds to which that description is prefixed, nor any other description. But if we may assume that at the time of the Eyre of 6 & 7 Edward II there were only a hundred 'towns' in Kent, each sending to Canterbury four men and the reeve, we get a total of 500 from the towns. How many claimants of franchises there were we have no means of knowing. Then there were ex-sheriffs or their representatives, coroners, ex-coroners or their representatives, counsel, attorneys, parties to causes (though probably never very many of these were present at one time), bailiffs, and doubtless many another. Who shall do the addition sum whose several lines are so uncertain? Where was accommodation found for so many? Canterbury was probably a large place in those days, according to the reckoning of the time. There stood the throne of the Primate of All England—though, indeed, when the Justices came to Canterbury there was none to sit upon it; there was the shrine of St. Thomas as well as the shrines and tombs of many a lesser one. There were the two great Priors of Christ Church and St. Augustine, as well as five smaller ones, nine hospitals and other lesser endowments. The city itself was the great thoroughfare to the Continent. Doubtless, by reason of all this, its streets were daily thronged with princes and nobles, with ecclesiastics of all orders and ranks, with pilgrims and travellers. Somner tells us that in 1420, the one hundred and fiftieth anniversary of the consecration of Archbishop Becket's Shrine, there were assembled in Canterbury 100,000 people. So there may well have been, one may say there must certainly have been, accommodation very greatly in excess of what was needed for the housing of the city's own citizens. And



whatever accommodation there was seems to have been at the disposition of the Judges' Marshals for the housing of those who had perforce to come to Canterbury for the Eyre. At least it seems that this may be reasonably inferred from an *Inspecimus* and Confirmation of a Charter of liberties to the city of York of 5 Edward II, printed in the Calendar of Charter Rolls of that year (p. 107), which runs 'No Marshal of the King's Justices in Eyre at York shall assign to any one of the houses of lodgings in the city or suburbs during the Eyre of the said Justices against the will of the owners of the said houses and lodgings, saving for the Justices themselves and their necessary servants.' It seems not unreasonable to suppose that in the absence of any special privilege, such as is conferred by this charter upon the citizens of York, the Justices' Marshals had power to billet those whose business or duty brought them to Canterbury for the Eyre where they thought fit. Probably, too, the prohibition of letting lodgings for hire was enacted that this billeting might be made more simple and certain.

#### (4) OF THE JUSTICES AND TWO OTHERS.

How the Justices came to Canterbury, whether with escort of javelin-men and fanfare of trumpets, or how else, no record that I know of tells us. But upon the Sunday that was the Octave of the Nativity of St. John the Baptist, towards the close of the sixth year of the reign of King Edward that was the son of King Edward, Sir Hervey Staunton, Sir William Ormesby, Sir Henry Spigurnel, Sir John Mutford and Sir William Goldington took their seats in the Palace of Canterbury—otherwise called the 'great hall' or '*magna aula*'—and there they opened their commission. And from this you shall note, what, indeed, there is abundant evidence of elsewhere, that the mediæval courts sat upon Sundays.

Something must be said about these five Justices in Eyre who came into Kent at this time. And one may begin by saying that the Justices of commissions itinerating in the country were not exclusively chosen from the permanent judges of the King's Bench or Common Pleas. On the Commission of Eyre there would be two or three of these, and the others would be men of position and influence, but not necessarily belonging to the district where they were commissioned to itinerate. Bishops, and even Abbots, are sometimes appointed, and have to serve, to the great scandal of strict Churchmen.<sup>1</sup> The Justices for our

<sup>1</sup> In 1236 much scandal was caused by the appointment of the Abbot of Ramsey as an itinerant Justice. Such an appointment was said to be contrary

to Scripture and all canons and constitutions. See Grossteste's *Epistola*, pp. 105-108 (Rolls Series).





Eyre in Kent were appointed by an order dated May 13, 1313. The Justices originally named were Hervey de Staunton, John Wogan, Henry Spigurnel, John de Mutford, and William de Goldington. They were appointed Justices in Eyre for the county of Kent, and also to hear and determine all pleas of franchises according to the ordinances, and all complaints as well against the King's bailiffs and ministers as against all other bailiffs and ministers.

By an order of May 23, 1313, William de Ornesby was substituted for John Wogan, 'who, being engaged on the King's business, has no leisure for the purpose.' On June 3 a mandate is sent to Robert de Hauville, the King's clerk, 'to whom has been committed the custody of the Rolls of the Eyre' diligently to attend to that custody; and there is a further mandate to the Justices bidding them to deliver the Rolls to him.

<sup>1</sup> Sir Hervey de Staunton came of a Nottinghamshire family of large possessions and ancient lineage; a family that is still flourishing at Staunton Hall in that county. He was a clerk, and in the *Abbreviatio Placitorum*, 250, 335, is described as Prebendary of Huthwhait in the cathedral church of York. After serving from 1301 to 1306 as an itinerant Justice, he was called to the Bench as a Judge of the Common Pleas. In 8 Edward II he exchanged his seat in the Common Pleas for that of a baron of the Exchequer. On June 22, 1316, he was appointed Chancellor of the Exchequer. In 1323 he was made Chief Justice of the King's Bench, which office he retained for a few months only, being superseded by Geoffrey le Srope. On July 18, 1326 (20 Edward II) he was constituted Chief Justice of the Common Pleas. Half a year later the King was deposed, and Hervey de Staunton died about the same time, William de Herle being immediately appointed Chief Justice in his room. He was buried in St. Michael's Church at Cambridge. In Cambridge, in 1324, he had founded Michael House—now incorporated into Trinity College, where he is still commemorated in the Grace after dinner—and endowed it with the manor of Barrington, and the advowson of the church there, which advowson Trinity College possesses to this day. Henry Spigurnel appears to have acted in a judicial capacity from 1296. Although returned by the Sheriff of Bedford in 17 Edward II as a Knight over sixty years of age and unfit for service, we find him acting in the following year as an itinerant Justice in the islands of Jersey and Guernsey. He died in 1325

<sup>1</sup> I am indebted to Foss for the substance of these biographical notes as to the Justices. It may be noted here that the Eyre Roll mentions Luko de la Gare

as being at one time an itinerant justice in Kent, a justice apparently unknown to Foss.



(19 Edward II). The only account of his character is in a political song in which, when spoken of as a Justice of Trailbaston in 33 Edward I, he is described as 'gent de cruelte'; but, as Foss reminds us, too much reliance must not be placed on so suspicious an authority. John de Mutford was of Mutford in Suffolk. He served on various judicial commissions in and after 35 Edward I. In 5 Edward II he was sent to Ireland as one of the Commissioners to quiet the discontents and disturbances there. He was constituted a Judge of the Common Pleas by patent dated April 20, 1316. In this Court he continued to act till 1329, in which year he died. He was buried in Norwich Cathedral. We learn from the Eyre Roll that at the same time as he was acting as one of the Justices of Eyre in Kent he was also on the commission for delivering Newgate Gaol.<sup>1</sup> William de Goldington was, in 4 Edward II, appointed one of three Justices of Assize for Kent, Sussex, and Surrey. He continued to act for several years in these and other counties, and died in 12 Edward II. William de Ormesby acted as an itinerant Justice in the Northern counties in 20 & 21 Edward I. In 1296—some four years later—he was appointed a Judge of the King's Bench. Upon the reduction of Scotland, in the same year, he was constituted Justiciary of that country, and excited the deep and general odium of the people by the rigour with which he extorted the penalties imposed by King Edward on those who refused to take the oath of fealty. Wallace, in the following year, surprised him while holding his court at Seone. His followers were dispersed, and he himself barely escaped. On his return to England he resumed his duties in the King's Bench, and we find him engaged there till the end of the reign. There is some doubt as to whether he was reappointed to his seat in the King's Bench on the accession of Edward II, though he certainly continued to act during the rest of his life as an itinerant Justice. He died about 1317, and was buried in the Abbey of St. Benet, in Norfolk, of which he was a benefactor.

While we are dealing with names something may fitly be noted of two others that find place in our reports, Juliana de Leyburn and Bartholomew de Badlesmere. Juliana de Leyburn, countess of Huntingdon, became her father's sole heiress at the age of three years, in 1307. 'She was the owner of more numerous domains and wider far than any ever held by one lord within the bounds of Kent since the days of Odo.'<sup>2</sup> She was known as the Infanta of Kent. She gave away

<sup>1</sup> The Justices in Eyre order a certain suspected person to be arrested. 'Postea testatur est per H. SEIGURNEL qui est Justiciarius hic et similiter Justiciarius de deliberacione prisonum de

Newgate quod predictus A. est ibidem in prisona.'

<sup>2</sup> See an interesting account of her in *Archæologia Cantiana*, i. p. 7.



almost all her wealth, chiefly to religious houses, some time before her death. 'All that she can call her own, as she passes away, are the personalities in her house and on some of her farms. Just two days before her death she bequeaths these also to pious and charitable uses. With her passed away the baronies and illustrious name of Leyburn. She died in 1367. Bartholomew de Badlesmere, whom we see in our reports heading the gentlemen of Kent when they come before the Justices to claim confirmation of the ancient customs of their county, was at that time high in the King's favour. He was keeper of Leeds Castle in Kent, Keeper of Skipton Castle in Craven, Keeper of the town of Bristol, Steward of the King's Household, and Warden of the Cinque Ports. But he afterwards fell away from the King's party and joined his enemies. His lands were forfeited, and an order for his arrest was issued, but I cannot find that it was ever executed. He died before 1328, and his lands were subsequently restored by Edward III to his heir.

It may be noted here that the Justices seem to have been paid—or paid to some extent, certainly—out of the fines and amercements inflicted by themselves. In the Close Roll of 7 Edward II, under the date of November 12, 1313, is an order from the King to the Sheriff of Kent bidding him pay out of the clearest fines and amercements of the Eyre 60 marks to Hervey de Staunton, 50 marks to 'William,'<sup>1</sup> and forty marks to each of the other Justices for their expenses in the Eyre.

#### (5) OF THE OPENING OF THE EYRE.

As soon as the Justices have taken their seats, their commission is read within the hearing '*de tute la comunalte*'; and we must probably take '*tute la comunalte*' to mean all those whom the Sheriff had been bidden to summon to give their attendance upon the Justices. The jurors of the hundreds were not yet formally elected, and so had not come into corporate being. 'And then Sir Hervey Staunton, the Chief Justice, declared the will of our lord the King, and the reason of their coming.' The expression 'Chief Justice' we must take to mean nothing more than President of the Commission, as Sir Hervey Staunton at this time was only a *puise* Justice, and did not become Chief Justice of the King's Bench till 1323. As likely as not this opening speech by the President of the Court was after a common form usually adopted upon such occasions, probably first put together by Martin Pateshull. At least so much seems fairly deducible from Bracton. 'In the first place,' he says, 'let the writs be read, which give them authority and

<sup>1</sup> There were two Williams on the Commission.



power to make an *iter*, that it may be known respecting their authority, which having been heard, if it should please the Justices, let some one of the older and more discreet in the presence of them all set forth the causes of their coming and what is the utility of their itineration, and what is the advantage if peace is observed; and these words are accustomed to be set forth by Martin Pateshull.' And then he gives the substance of such address, as quoted below.<sup>1</sup> After this speech from the President of the Court,<sup>2</sup> Bracton tells us, omitting all notice of the rest of the formal business done during the first day of the Eyre, of which our reports give us very full detail, that the Justices ought then 'to transfer themselves to some retired place, and having called to themselves four or six or more of the greater men of the county who are called the "busones" of the county court, and upon whose nod depends the votes of the others, they should thereupon have a consultation with them in turns' and explain to them the provisions made by the King and his counsel.<sup>3</sup>

No Eyre Roll nor Year Book which I have seen has anything to this effect; but, seeing that the business was private, one can easily understand that it should remain unreported, both officially and unofficially. Yet surely if these old reporters could have foreseen what a hard riddle their silence was leaving for later ages to read they would have given us a line or two of definition and explanation.

#### (6) OF THE BUSONES.

'De Majoribus de Comitatu, qui dicuntur busones comitatus, et ad quorum nutum dependent vota aliorum.' Who or what were these men 'qui dicuntur busones comitatus'? It is a very old

<sup>1</sup> 'In primis de pace domini regis et iustitia eius violata per murtheros et robbatores et burghatores qui malitiam suam exercent die ac nocte non solum in homines de loco in locum itinerantes, sed in homines in lectis suis dormientes. Et quod dominus Rex mandat omnibus fidelibus suis quod in fide quae ei tenentur, et sicut sua salvare voluerint, efficac et diligens praestent consilium et auxilium ad pacem et iustitiam suam conservandum, et malitiam predictorum tollendam et reprimendam, et huius modi jactura.' Bracton, *De Corona*, f. 115 d.

<sup>2</sup> 'This done,' says Britton, 'let them receive the essoins of the common countenances; then essoins of pleas of land.'

<sup>3</sup> 'Quibus propositis debent iusticiarii se transferre in aliquem locum secretum et vocatis ad se quatuor vel sex vel pluribus de majoribus de comitatu qui dicuntur busones comitatus et ad quorum nutum dependent vota aliorum et sic inter se tractatum habeant iusticiarii ad invicem, et ostendant qualiter a domino rege et consilio suo sit provisum quod omnes tam milites quam alii qui sunt quindecim annorum et amplius jurare debent quod utlagatos, murtheros, robbatores non receptabunt, nec eis consentient, nec eorum receptatoribus, et si quos tales noverint illos attachiari facient, et hoc vicecomiti et ballivis suis monstrabunt' etc.—Bracton, *De Corona*, f. 115 d.





puzzle, and one that still remains unsolved. The meaning of the word was forgotten soon after Bracton's day; and a very early glosser suggested that the received text was corrupt, and that the correct reading was *barones*, an interpretation which Maitland says has been followed by most critics. Coke has this marginal note: '*Busones sive Bursones*, from the French word *Bourson*: for as it is in the proverb "He that beareth the purse ruleth the roast," which agreeth with Bracton's description here, *Ad quorum nutum dependent rota aliorum*. So vulgarly called, which also Bracton insinuateth when he saith *Qui dicuntur busones*.' Probably, however, neither Coke nor the early glosser knew of the occurrence of the word in a Gloucester roll of 13 John, of which I shall speak presently. Maitland suggested that the word, as it occurs in Bracton and the Gloucester roll, might be connected with *besoin*, and so mean 'men of affairs.' Sir Charles Chadwyck Healey thinks it may possibly be connected with *besoigne*, meaning *plus sage*. Professor Vinogradoff has suggested a possible connexion with 'buscarls' or 'buzecarls,' originally fighting seamen.<sup>1</sup> Pollock and Maitland, in their *History of English Law*,<sup>2</sup> say 'neither passage' (*sc.* in Bracton nor the Gloucester roll) 'would suggest that the title was official, or more than a cant term for the active doomsmen of the Shire moot': agreeing, in this, with Coke.

It will be convenient, before further discussing the question, to bring together all the other instances of the use of the word, with the context, that I have been able to find.

(1) Consideratum est quod comitatus sit in misericordia pro falso iudicio . . . et milites de comitatu qui consueti sunt interesse falsis iudiciis et sunt Buzones iudiciorum arestantur, scilicet Wilhelmus de Parco, Elias Kokerel, qui presentes sunt, et committuntur vicecomiti. Et Walterus de Aur' et Philippus de Bello monte alii Buzones capiantur.

Placita de Term. Sci. Hilarii. Anno 13. John. (*Abbreuatiō Placitorum*, p. 85.)

(2) Radulphus de Stopham tenuit de feodo Comitiss Winchester apud Bradeford lxxj. xiijs. jyd. de redd. assis. per ann. et debuit invenire pro dicto manerio unum hominem peditem ad servicium domini Regis cum arca et bosone per quadraginta dies ad custum dicti Radulphi pro omnibus serviciis.

*Harlv. MSS., British Museum. 4120. f. 11. 36 Henry III.*

(3) Radulphus de Stopham tenet manerium de Bryanston per serjantiam inveniendi domino Regi quotiescunque contigerit ipsum habere exercitum in Angl' vel in Walliā unum garcionem differentem unum arcum sine corda et unum buzonem sine pennis ad sumptus suos proprios per quadraginta dies.

*Dorset Eyre Roll, 8 Edward I., m. 36 d.*

<sup>1</sup> *English Society in the Eleventh Century*, p. 21.

<sup>2</sup> Vol. i. p. 553.



(4) Eva, filia et heres Radulphi de Stopham cognovit tenere . . . per serviciū inveniendi domino Regi in exercitu suo Wallie unum servientem peditem cum arcu sine chorda et buzone sine pennis.

*Harln. MSS. 34 f. 229. De termino Mich. 30 Edward I.*

And here it is to be noted that in two similar inquisitions of 24 Edward III and 27 Edward III respectively, the word *tribulus* is substituted for *buzo*.

(5) Petite serjauntie est service issaunt de tenement a fere a nous acun petit service, quant nous devons chevaucher en host. montant a demi mare et a meins, cum sount les services de nous porter en host un sak ou un broche ou un bozoun ou un arc saunt corde. . . .

*Britton, iii. c. 3.*

(6) Quinque arcus de yf cum cordis quos tulerunt et tres walecthis et unum bosu, traditi fuerunt Simoni de Copmanford.

*Huntingdon Forest Inquisitions, A.D. 1253.*

Now let us, in the first place, review and consider our authorities for the word. As to the writer of the last one we know nothing at all, and can only say that even in the reports of the Forest Pleas this instance of the word seems to be unique. Of the authorship of the book we call 'Britton' we know nothing certain, but it does not seem improbable that in writing the particular passage set out above the author or compiler of the book was quoting his example of 'un bozoun ou un arc saunt corde' from some text of the serjeanty by which the manor of Bryanston was held. We are then left with three clear authorities for the use of the word; authorities of which we can predicate something certain and definite. These authorities are (1) a west-country roll; (2) a west-country archdeacon, of west-country birth; (3) west-country inquisitions. With the exception of the Huntingdon inquisition, of the writer of which we know nothing, every single instance of the use of the word seems to come from the west-country. Is this only a coincidence, or is it something more? Was the word just a west-country cant expression with only a west-country circulation? If we could say that it was, we should get, at any rate, an explanation of the early glosser's ignorance of it; an ignorance which, otherwise, is not very intelligible. Even in the west-country itself the word seems soon to have dropped out of use, as the substitution of *tribulus* for it in the inquisitions of Edward III clearly shows. Neither Dr. Wright's *Dialect Dictionary*, nor lesser works, nor yet living men well qualified to speak on such a matter, know anything of such a word in the west-country vocabulary, either ancient or modern. But it was, indeed, scarcely to be expected that any memory of it should have continued when



only a century or so after Bracton's death even learned lawyers could only guess at its meaning and suggest an emended text; a suggestion which we to-day, with the Gloucester roll under our eyes, may confidently put away from us. If then the word was some sort of cant expression in use in the west-country in the thirteenth century, that is in the sense in which it occurs in Bracton and in the Gloucester roll, for it is certainly not a cant expression in the inquisitions, and was neither an English word nor a Gaelic word—and it seems pretty certain that it was neither—from what language would it be most likely that it should have been imported? Obviously from the language or dialect from which at that time we took so many words into our own speech—Norman. And again, if a cant word were to be introduced into the west-country from northern France, what class of cant word would be most likely to be introduced? Would it not most likely be a word connected with the most important matter with which the north of France and the west of England were both concerned? The cloth trade was the staple industry of the west of England, as it was also of the north of France and of Flanders. What did the word which was Latinised into *busones* mean in the north of France and in Flanders? First we have a word of which the Norman mediæval spellings are numerous: *boujon*, *boujern*, *bozon*, *boucon*, and several others. Godefroi defines it as a 'grosse flèche, gros trait d'arbalète, assez semblable au matras, et dont l'extrémité se terminait par une tête.' It is with this meaning that the word is used in the Dorset inquisitions. Then, Godefroi tells us, the word received the secondary meaning of an 'espèce d'aune de fer servant à mesurer les laines'—an iron rule for measuring cloth. Then from *boujon* was formed *boujonneur*, and a *boujonneur* was a 'membre de la jurande des drapiers qui mesurait les étoffes avec le boujon.' He was the official measurer, whom we find bearing office throughout the cloth-making districts of the north of France and of Flanders. He appears over and over again in the records of the trade. He became in time something more, a good deal more, than a mere measurer. He grew into what we should call a warden of the cloth-makers' guilds. He became a man of position and importance, but he still remained the official and authoritative measurer. He, to use a common phrase, 'measured things up,' and his measurement had to be accepted, and was accepted—*cujus nutum*. So, then, this word *boujonneurs*, or, in its Latinised form, *busones*, may well have been adopted for a time from the technical language of the principal industry of the neighbourhood into the colloquial vernacular of the local hundreds to describe those who from their social position or otherwise had acquired a predominant influence in the counsels and over the



decisions of the county court like unto that which the 'membres de la jurande des drapiers' exercised in the guilds and markets of the cloth-workers.

#### (7) OF THE PRELIMINARY PROCEEDINGS OF THE EYRE.

After this private consultation of the Justices with the Busones, as to which the contemporary reporters are so unhappily silent, the rest of the first day's proceedings are so fully narrated in the various reports printed in this volume that it is scarcely necessary to say anything about them here, though there are one or two particular points upon which a word or two of comment may not be superfluous. An important part of this first day's business was the attendance of those who, in the words of the Common Summons, claimed to have 'libertates aliquas assignatas per cartas predecessorum nostrorum regum Anglie vel alio modo . . . ad respondendum cujusmodi libertates habere clamant et quo waranto.' One may note, in passing, that, through the failure of claimants of franchises to attend upon the first day, much of this particular business had to be done, at some risk, apparently, to the claimants of losing their franchises, upon the second day. Now all this seems plain enough, but it does not correspond with what actually happened. Though our reports tell us that such of the county as had franchises came and claimed their franchises, yet the rolls recording the presentments of the jurors contain an abundance of presentments 'de libertatibus.' It is not easy to understand why these franchises were not formally claimed on the first day; or why, not being so claimed, they were not thereby forfeited. That they were, or that some of them, at any rate, were franchises which should properly have been claimed on the first day of the Eyre we gather from Hartlepool's remarks to the Justices in the case of the Canterbury franchises: 'Sirs, we pray you to remember that this franchise was not claimed in this Eyre';<sup>1</sup> a remark to which, so far as we know, the Justices did not trouble themselves to reply, and which certainly had no weight with them, for we find it recorded in the Roll that Canterbury had its franchises allowed and confirmed to the full extent of its claim. The ordinary conclusion of the juries' presentments 'de libertatibus' is 'sed nesciunt quo waranto'; and these presentments in many cases formed material upon which writs of *Quo Warranto* were subsequently based. A jury, to take an example, presents that Juliana de Leyburn claims certain franchises, they know not by what warrant.<sup>2</sup> Thereupon

<sup>1</sup> See p. 131, *infra*.

<sup>2</sup> E. R. m. 42l.





G. de Hartlepool, 'qui sequitur pro domino Rege' intervenes, and says that a writ is issuing against her—'quod sequuntur eam per breve.'

Either in connection with the claiming of franchises, or in connection with some other business of those who came to claim franchises, some discussion seems to have arisen as to the power of a duly constituted attorney to appoint a deputy. An attorney was the personal representative of the actual party or litigant, empowered to represent him fully in all matters connected with the management of his business, as apart from the advocacy of it. He was, for the time being, if we may so put it, the litigant in person. An attorney might be appointed in regard to one particular case, or in regard to all the business of the person appointing him. In the latter case he was called a general attorney. The ordinary form of appointment was that 'A. B. puts C. D. in his room, to gain or lose' in such and such a particular matter, or in all the matters in which he was concerned. An attorney appointed after this form, that is by a bill, must appear himself. He could not delegate his functions to another; and even he himself became *functus officio* by the appearance in court of his 'master.' But an attorney who could delegate his functions and appoint a deputy to act for him, with as complete authority to represent the litigant as he himself possessed, could be appointed by virtue of a special writ from the King, and by virtue of such a writ only. A woman might act as attorney. There is at any rate one surviving record, or a surviving fragment of a record, which proves so much. It is true that she acted jointly with her husband. The record, or so much of it as remains legible, is as follows: 'Philippus de Burnham et uxor ejus positi loco Philippi . . . ad lucrandum vel perdendum petunt versus Fulconem de . . . Matildam uxorem suam medietatem de . . . et .j. marcam redditus.' The date is 9 Richard I.

After the presentation of these claims to franchises the coroners of the counties and franchises are called upon to deliver their rolls, and not the coroners only that were then actually in office, but all others who had been coroners since the last Eyre, or the heirs or executors of such of these latter as were now dead. And such heirs or executors found themselves in sorry plight if they had not with them the rolls of those they represented. The bags containing the rolls are then sealed with the Chief Justice's seal and re-delivered to those who brought them.

After the coroners had received back their rolls the Justices caused four proclamations to be made. The first forbade the presence within twelve leagues of Canterbury during the continuance of the Eyre of all such as had been attainted of conspiracy or maintenance of false suits

<sup>1</sup> *Rot. Cur. Reg.* I, 147.



at the last Eyre, or before the Commission of Trailbaston. The second prohibited the holding of markets and fairs anywhere within the county outside the city of Canterbury. The third put into abeyance during the continuance of the Eyre all courts usually holden within the county, except for the purpose of pleas of land by writ of right patent and appeals of murder in the county court. The fourth forbade the letting of houses for hire. There seems to have been a very real necessity for the first of these proclamations; and when an offender against it was discovered he was punished. The origination and prosecution of suits that were based upon purely invented facts and supported by evidence that was wholly deliberate perjury seems, in the days of which we are speaking, to have ranked almost as a recognised profession. Over and over again in the records we find instances of it. But to say only so much is not to tell, nor even to hint at, half the full iniquity of these maintainers of false suits. When they had got a plaintiff well started on his action—a plaintiff who had based his action upon the advice these men had given him and upon the proofs of evidence which they had laid before him, and who had paid them for both advice and evidence—they then calmly went over to the other side, and got fresh fees for their advice and support on behalf of the defendant. No doubt it was urgently necessary that men who had once been convicted of conduct of this kind, men who might reasonably be expected to lose no opportunity of profit to themselves by the further setting of folk by the ears and maintaining one side, or both in turn, by false evidence—and what more favourable opportunity could they have than a General Eyre?—should be rigorously excluded from the neighbourhood of the city where the Eyre was sitting. It may be noted here, as possibly affording some explanation of the frequency of these false suits and this fraudulent maintenance that at the time of which we are writing there was no such crime, punishable by the common law, as perjury. False swearing was only punishable as such in the case of juries formally attainted by an assize of four and twenty Knights. The second proclamation forbade the holding of fairs and markets anywhere within the county during the continuance of the Eyre, save only in the city of Canterbury. This does not seem either reasonable or necessary. Why should Blackheath not be allowed to buy and sell because the Eyre is sitting at Canterbury? I have already given some reason for supposing that this prohibition was not enforced. The third proclamation, closing the county court and hundred courts, was amplified in practice by the transfer to the Eyre of all cases in progress at Westminster touching any of the county. The Justices of the Eyre took them up, or could take them up, exactly at the stage they had reached



at Westminster. If damages had been awarded at Westminster, the Justices of the Eyre could grant execution. All jurisdiction, saving the exceptions made in the proclamation, touching the people of Kent was gathered up in the Justices of the Eyre. I should guard myself here by saying that I am not for the moment considering such special and unusual liberties as those of the Cinque Ports and the Abbot of Battle, of which I shall have something to say later on. The fourth proclamation was against the letting of lodgings for hire. With the making of these proclamations, which were cried first in French and then in English, the business of the first day of the Eyre seems to have ended. How long a court day lasted at this time we cannot say. It probably depended very much upon the temperament and greed of work of the 'Justiciarius capitalis.' If a Martin Pateshulle were he, then long, very long, hours might be expected. 'Dictus enim dominus M. fortis est,' writes a Justice Itinerant in 1228, or thereabouts, whose hard lot it was to have 'dictus dominus M.' for his Chief, 'et in labore suo ita sedulus et assuetus quod omnes socios suos, et maxime dominum W. de Rabye et me, labore tedioussimo jam reddidit effectos, nec mirum, quia incipit in ortu solis quotidie laborare, nec cessat usque ad noctem.'<sup>1</sup> Such a day's work as this anywhere about the time of the Octave of the Nativity of St. John the Baptist would leave but scant opportunity for rest.

On the second day of the Eyre officers are appointed and sworn to make inspection of the taverns and to examine the condition of the wines stored there, and to destroy such as they find to be bad or musty. Some belated claims to franchises are conditionally received, and then the complicated process of electing the jurors of the hundreds is commenced by the bailiffs being sworn to choose two electors from each hundred. It may be noted here that Britton says the bailiffs should choose either two or four electors, while Bracton and Fleta say he should choose four. The actual practice, so far as such reports of Eyres as I have read show, was that the bailiff chose two electors. Upon the third day these 'deus bones gentz de chescun hundred' were sworn to choose of themselves and others of their hundred sixteen good men and true, such as were most likely to know the deeds and misdeeds of their neighbours—especially their misdeeds, as that could be their only profitable knowledge from the King's point of view—and, knowing them, would speak the truth about them. The elections of the 'sixteens' seem to have been completed on the same day, and then by some procedure, of which we are told nothing except that what

<sup>1</sup> *Royal Letters of Henry III.*, i. p. 342 (Rolls Series). The writer's name has perished.



was done was done out of court, four names were struck off each list of sixteen, and a jury of twelve—the dozen—was left to represent each hundred. The names of the two electors are always to be found amongst the names of the ‘dozen.’<sup>1</sup> There were in Kent, as has been already noted, several ‘half-hundreds.’ These we find from the Roll were represented by six jurors only, elected, like the full ‘dozens,’ by two electors, who always are of the six.

Later on in the day on which the dozens—or so many of them as did not defer the oath-taking till the following day—were sworn, came all the Knights of the county, with Sir Bartholomew de Badlesmere at their head, to the bar of the court, there to make formal claim to have the peculiar customs of the county allowed and confirmed. Their spokesman was Sir Esmond Passeley, himself a Knight of Kent, who now appeared, it would seem, in his capacity of counsel. The customs of Kent, he tells the Justices, are not in accord with the common law of the realm. ‘Part of these customs,’ he adds, ‘are engrossed upon this scroll<sup>2</sup> which I tender to the Court. Yet other customs we have, all of which we cannot at the moment call to mind; and these also we beg you will allow when you come to deal with them.’ But this is asking too much of the Court. They cannot, they say, allow what is not exactly defined. The Knights of Kent must state fully and specifically what their customs are; and all of these that any previous Eyre may have allowed shall again be confirmed to them. They may rest assured that naught shall be taken from them which they have a fair claim to continue to enjoy. And so the matter stands over.

Upon the sixth day the swearing of the dozens is resumed, and a point of law or privilege arises. Amongst the jurors elected for a hundred is a baron of the Cinque Ports; and it is alleged on his behalf that he is exempt from serving on any jury outside his franchise. ‘But,’ says MUTTON J., ‘he has land outside the franchise, and that carries with it the obligation to serve for the hundred wherein it lies.’ Thereupon the representative of the baron produces a charter, quite possibly the very charter that is still preserved at Faversham, and is believed to be the first charter addressed to the Cinque Ports collectively. It declares that ‘We confirm for us and our heirs that they (i.e. the barons of the Cinque Ports) for all lands now in their possession may be

<sup>1</sup> See *Appendix*.

<sup>2</sup> Probably the customs engrossed on the scroll were those which may be found in *The Statutes of the Realm*, i. p. 223. These Lambard supposes to have been written in the time of Edward I. An old MS. copy of them

tells us that they were ‘allowes en Eyre John de Berewike e ses compaignons Justices en eyre en Kent le 21 an le Roy Ed. fitz le Roy Henrie.’

A copy of this charter may be seen in *Archæologia Cantiana*, xxvii. p. 39. It was apparently unknown to Jakes.





quit for ever of common summonses before our Justices Itinerant for all manner of pleas in whatsoever counties these lands may be, so that the said barons shall not be bound to appear before our Justices Itinerant in obedience to the common summons of Eyre unless one of them has specially impleaded another or by another shall be impleaded.'

But STAUNTON J. overrules the argument based upon this charter, which scarcely supports a claim to exemption from serving on juries, and makes an order that the baron be sworn.

On the seventh day—though a comparison of the reports does not make the sequence of these matters very clear—the Justices call before them the Knights and the Stewards of the great lords and the freeholders—'touz les tenantz'—of the county; and these are bidden by the Court to declare whether Englishry has been or ought to be presented within the county. Now this is a point about which, one would think, no set of intelligent men could have been in any doubt. In the first place it was not twenty years since the last Eyre when same question had been asked; and, in the second, we may reasonably infer that it was still being presented from the frequency with which the record—*Englisheria non presentatur. Ideo iudicium de murdro super hundredum*—recurs in the Roll. The very smallest inquiry, one would suppose, would have discovered the truth to them, and they knew quite well—at least it is hard to believe that they did not—what the consequences of saying the thing that was not would be, for the Justices had the record of the last Eyre before them. Furthermore, it was almost the unbroken rule throughout England at this time that Englishry should be presented. There were very few exceptions. Yet these Knights and Stewards and freeholders of Kent declare with the utmost assurance that Englishry ought not to be presented within the county of Kent, and, as a matter of fact, never had been; and through Esmond Passeley they enter upon a learned historical argument in proof of their assertion. Surely they could not help seeing the rolls of the last Eyre lying under the Justices' eyes, and surely Passeley, at any rate, knew what they were—for Passeley, we must remember, besides being a Knight of Kent, was a Crown official learned in the law, and a regular practitioner in the courts. It is really interesting to a student of the growth of tradition to note in how short a time a wholly false tradition<sup>1</sup> that has not a single fact to support it, a tradition which the smallest amount of serious inquiry would have disproved at once, becomes to a whole county a matter of such certainty that they are willing, without the slightest inquiry, to stake an indefinite amount of their money—and

<sup>1</sup> Cp. the equally false tradition that villeinage never existed in Kent.



possibly a considerable amount of their personal comfort as well—upon the truth of it. However, the Knights and Stewards and freeholders of Kent may tell, and believe, what romantic stories they like about William the Conqueror and the Battle of Hastings. STAUNTON J. attempts no argument. He merely says 'Because you told us that Englishry should not be presented within this county, and we see from the roll of the last Eyre that it should be presented, we put the whole county under judgment.' And there is an end of the whole matter, except the payment of the penalty, the exaction of which would certainly not be forgotten. One would like to know what the Knights and Stewards and freeholders had to say to their professional advisers. Before we pass away from this matter it should be said that the Knights and Stewards and freeholders of Kent were not unique in their confident ignorance of the custom of their own county. Their fellows in other counties went just as confidently astray. After all, is it possible that there was some good reason for their action which escapes us who marvel at it six hundred years later?

There were some other matters concerning which inquiries were made of these Knights and Stewards and freeholders, such as the number of persons who had been put into exigent at the end of the last Eyre; the number of these who had been afterwards outlawed; how many had surrendered themselves; how many had been acquitted; how many convicted. As these were questions which called for some inquiry before they could be answered, the Justices gave till the following Monday for the purpose. It was probably the Friday when the questions were put.

#### (8) OF THE ARTICLES OF THE EYRE.

When all this preliminary business had been disposed of, the Justices caused the Articles of the Eyre to be read before the dozens, and to each dozen was delivered a roll containing a copy of these Articles. It was these Articles of the Eyre that made the Eyre what it was, a visitation which even in those days of drastic measures for replenishing the coffers of ever impecunious Kings no county might endure oftener than once in seven years,<sup>1</sup> the cessation of which the Commons insisted upon before they would grant supplies;<sup>2</sup> before which, as before a

<sup>1</sup> [In 1261] 'Justiciarii itinerantes venerunt apud Wygorniam . . . et totus comitatus eos admittere recusavit, quia septem anni novem menses elapsi postquam justiciarii ibidem ultimo sederunt.' — *Annales de Wygornie* (Rolls Series), p. 416. An Eyre in Norfolk was postponed

because seven years had not elapsed since the last previous one.—*Close Roll*, Henry II. 77 m. 9d.

<sup>2</sup> In 22 Edward III. the Commons grant supplies to the King for two years only upon the condition that 'Eyre de Justices en le meen temps per tote la



consuming fire, the men of Cornwall fled into the wilds.<sup>1</sup> These Articles formed a long catechism addressed to each several dozen, demanding from them information on every subject where a possible answer might afford ground for extracting an amercement from somebody, or driving some one to make fine with the King. Comparatively few in their commencement they were continually being added to. The cast of the net was ever widening, the meshes ever narrowing. Great and small are caught in it. 'Sub pretextu justitie infinitam pecuniam ad opus regis omnia dispergentes collegerunt,' says Matthew Paris.<sup>2</sup> These Articles, as they were delivered to the Justices of the Kent Eyre of 1313 demanded of the juries of the hundreds a complete knowledge of every breach of the law, both criminal and civil, within their several hundreds since the last Eyre, that is since 1294, nearly twenty years ago. The best commentary on the Articles is the Articles themselves. Without re-writing them, one can scarcely give any adequate notion of them. They are a summary themselves that cannot be summarised. Let the dozens read them carefully through again and again, and then go cudgel their brains and ransack their memories lest haply they forget one single crime or tort or even an act that, scarce meriting the name of either, yet falls short of pure blamelessness. Is there one in their hundred that has made trespass on the high-road, that has taken too much upon himself in the setting up of a market, that has taken a trout from a river after unorthodox fashion, that has, in short, done one of the hundred and fifty things and more suggested in the Articles? Then let them make a note of it. But though they must be quite sure

terre cessent.'—Rot. Parl. i. 200 b. In 45 Edward III. the 'poor commoners' pray 'au Roi leur Seigneur q'il ne grantie en nulle partie du Roialme Etes . . . durante le Guere, par queux les Communs purront estre troubles ne empoveres fors qe en horrible cas.'—Ibid. p. 305. The exception 'fors qe en horrible cas' means, I suppose, unless the King was absolutely bankrupt, showing clearly the real *raison d'être* of Eyres.

<sup>1</sup> 'Eodem anno (1233) fuerunt itinerantes in Cornubia, quorum metu omnes ad sylvas fugerunt.'—*Chronicles Monastici* (Rolls Series), iii. p. 135.

<sup>2</sup> *Chronica Majora* (Rolls Series), iv. p. 34. He is writing of William de Eboraco and Robert de Sexington. In chronicling the death of this latter under the date of September 29, 1250, he writes of him: 'Qui etiam in iudiciarii officio diu communens amplas sibi cumulavit possessiones, et regis

thesaurus ampliavit.'—*Historia Anglorum*, iii. p. 345. Dr. Stubbs may be opportunely quoted here, though he is speaking of a time earlier than that of our Kent Eyre. 'So intimate is the connexion of judicature with finance under the Norman Kings that we scarcely need the comments of the historians to guide us to the conclusion that it was mainly for the sake of the profits that justice was administered at all.'—*Constitutional History*, i. p. 368. I cannot refrain from adding a reference to *Bracton's Note Book*, Case 67, from which we learn that even Justices in Eyre themselves were sometimes amerced. This case tells us of certain Justices in Eyre that were summoned before the King's Council and the Justices of the Bench, and amerced for having hanged a man wrongfully. See also Case 1166.



they forget nothing—they will be amerced for any omission when the Justices detect it, and detect it they almost certainly will—they must also be quite sure that every tittle of what they present is the truth, for amercedments and fines again await any variation from strict, provable historical fact. The Justices have an unpleasant way of collecting the real story of what has happened, and having it presented to the unhappy jurors with such cogent force that they cannot refuse to recognise its truth, and they are driven into finding a verdict which does not coincide with their first presentment. Then there is a bull with two horns waiting for them, with either or both of which he will toss them. One of these horns is called 'false presentation'; 'variation' is the name of the other. But in their anxiety lest they should forget aught that they should say, they must take heed lest they present something that they are not asked to present, for trouble lies that way, too. *Postea quia presentacio ista directe non est de articulis Itineris conparantes (sic) gravati etc.* Possibly in this particular case the *conparantes* ought not to be taken as identical with the jurors, but if they ought not to be so taken, then the statement is interesting as showing that outside representations were made to dozens as to matters for presentment, and for this reason I quote it. Little wonder that certain Yorkshiresmen preferred to pay the large sum of £100 rather than risk all the perils that beset the way of a dozen through the Eyre.<sup>1</sup>

The *Capitula Itineris*—the Articles of the Eyre—were not always the same, but varied according to time and place.<sup>2</sup> I have found it impossible to discuss their history, growth, and variations within the limits which must necessarily be assigned to this Introduction, and must content myself here by pointing out to such as would study these for themselves where they may profitably search for and find much information concerning them. The earliest *Capitula*—the Articles of 1194 are to be found in Hoveden, iii. pp. 263-4; those of 1198 in Hoveden, iv. pp. 61-3. The Articles of an early Eyre for the Cinque Ports are in Rot. Cl. ii. p. 213 and also in Bracton, f. 1176. Addl. MS. (British Museum) 14252, f. 117, contains an early set of some time after 1207. The Kent Articles of 11 Henry III are to be found in Bracton (Rolls Series), ii. p. 252. The Articles in Bracton were given in charge with little variation during the reign of Henry III. The Articles of the London Eyre of 1244 are contained in the *Liber Albus*. The *Annales de Barbon* gives the Lichfield Articles of 1254. There is a set of Articles given in the *Cartulary of St. Peter, Gloucester*, which must be of earlier

<sup>1</sup> *... iudices et iuratores Eboracisire debent sc. li. ut non amplius sint iudices nec iuratores.*—*Pipe Roll*,

Henry I. p. 34.

<sup>2</sup> *Variantur secundum varietatem temporum et locorum.*—Bracton





date than May 1, 1255, as they mention Walter, Archbishop of York. The *Exchequer Book of the King's Remembrancer* gives Articles of 4 Edward I. Harln. MS. 489, m. 54 has a set of 8 Edward I. Addl. MS. (British Museum) 5761, f. 121, may be consulted for another set of about the same date. Harln. MS. 667, art. 47, contains another set, undated, including the additional Articles given in Harln. MS. 489, but omitting the general directions, and is therefore later. Bodln. MSS., Rawl. C. 160 has a set of the *Nova Capitula* of Edward I. These are printed in Bracton (Rolls Series), ii. app. 1. For the Articles of the Lincolnshire Eyre of 9 Edward I we have three contemporary manuscript authorities—Harln. MSS. 1120 and 1214, and Addl. MS. 6061. The 'Rotuli Hundredorum' contain inquisitions taken in pursuance of a special commission issued under the Great Seal, dated October 11, 2 Edward I; and these Articles, after the sixth year of the same reign, were always given in charge by the Justices in Eyre. They were called *Nova Capitula*, to distinguish them from the old Articles, and are to be found in all subsequent sets of *Capitula*. A set of *Capitula* in Harln. MS. 867 (f. 60) inserts the Mortmain Articles, and is, therefore, later than 1279. Harln. MS. 1033, cvii., has an undated set of both *Vetera* and *Nova Capitula* in two distinct parts, but the articles on the third part of the Statute of Westminster the First are not inserted. There is also another set in Harln. MS. 5761. For the Surrey Articles of 22 Edward I the Assize Rolls, numbered 892-906, at the Public Record Office, may be consulted. The *Liber Albus* has the Articles of the London Eyre of 1321. The Articles of this Eyre of 1321 are fully seven times as long as those of the London Eyre, previously mentioned in 1244.<sup>1</sup>

The Articles may be divided into three main groups: (1) Those which call for information touching any of the King's proprietary rights, escheats, wardships and so forth. The information, so obtained, will be made use of afterwards in various ways. Under this head we may, perhaps, include the Articles calling for information as to crimes. Every crime meant something for the King's pocket, and so every crime, with every detail of circumstance that could possibly be remembered, must be presented. It was not only the criminal himself, from whom a fine might be extracted or whose chattels, if he had any, might be confiscated, and the criminal's misdoings that must be presented, but also the feaseances, which were always possible and usually probable misfeaseances, and so potential sources of revenue, of all who,

<sup>1</sup> It may be useful to students of *Capitula* to know that sets of Articles of *Trailbaston* may be found in Assize Rolls 394, 396, 591, and 946. (Public Record Office.)



from locality or office, could in any way be connected with the crime or criminal. (2) Articles calling for information as to the unwarranted, or unwarranted to the knowledge of the jurors, assumption of franchises, or the misuse of franchises for the proper use of which there was sufficient warrant. (3) Articles calling for information as to extortions, oppressions and other official misfeasances of sheriffs, coroners, bailiffs, and other officers.

### (9) OF THE SETTLEMENT OF PRESENTMENTS.

We know that the Justices had plentiful means as well of checking the truth of the presentments by the dozens, as of detecting omissions to present presentable facts. They had the rolls of the last Eyre, the rolls of what Gaol Deliveries and Commissions of Trailbaston there had been since then, and the coroners' rolls, certainly; and these would tell them much.

But what about the jurors? How were they to inform themselves of all the facts of all sorts and kinds which they were expected to know, and which they must know unless their immediate future was to be an exceedingly uncomfortable one. They had not kept diaries during the last twenty years in anticipation of the Eyre; they had not access to Eyre Rolls and rolls of Gaol Deliveries. The coroners' rolls, a careful inspection of which would have been worth much to them, were all out of their reach, sealed up in bags that might not be unsealed, being under the safeguard of the Chief Justice's seal put there for that very purpose.<sup>1</sup> Still, there are the four men and the reeve from every town. These may be expected to know something of their own local affairs, and they are there for the special purpose of putting their local knowledge at the service of the jurors. One wonders not only what was the procedure at these consultations between a dozen of a hundred and the four men and the reeve from each town within the hundred, but where, also, they were held. In 1570, according to Lambard, the hundred of Bawborough contained sixteen towns; the hundred of Preston contained two. To several hundreds, indeed, he credits none. Take a medium hundred with, say, ten towns. Four men and the reeve from each make fifty in all. Then there are the twelve jurors themselves. And there are near seventy hundreds in Kent. After what manner and where all these held their councils and examinations we are told nothing. Did they gather themselves into groups in the nave of the cathedral, not so bare and empty then as now, as judges and counsel

<sup>1</sup> Yet it appears that copies of some of these rolls were sometimes illicitly secured. See p. 21.



gathered themselves into courts in the corners of Westminster Hall ; did they, for it was full summer time, seat themselves under the shade of some great tree in the grass land outside the city ? Were the cloisters of the religious houses open to them, as is to-day what is left of St. Mary's Abbey to the barristers that go to York Assizes ? One might go on guessing ; but, after all, guessing is guessing and not serious history. Somewhere or other, and somehow or other, the dozens and the men from the towns came together. First of all what the Justices call ' privities ' have to be got into form for presentment, for the dozens have only till the morrow before these presentments must be made. By these ' privities ' or private matters, we are to understand presentments that would lead to an immediate order for somebody's arrest. Such work must be done without publicity, else there would be little chance of him that held the warrant finding him whom he went out to seek. Yet, one thinks, whatever technical or theoretical privacy there might be in the formulating and making of these particular presentments, there was very little privacy or secrecy in actual fact. These men and women, whose misdeeds were discussed by, or, at any rate, before, a large committee of some fifty or sixty, or even more, members, meeting one knows not where, but scarcely, considering all things, in absolute seclusion, almost invariably learned that they were ' wanted,' and as invariably absconded before they could be arrested. ' Do indictatis juratores dicunt quod . . . se subtraxerunt ' is the ever recurring formula.

#### (10) OF THE DISTINCTION BETWEEN THE COURT FOR CROWN PLEAS AND THE GAOL DELIVERY.

If a man, indicted for anything that endangers life and limb, allows himself to be taken and brought before the Justices hearing Crown Pleas one may feel perfectly sure of one of three things. He will have such a good defence upon the facts as will ensure his acquittal, or he will be able to plead *autrefois acquit*, or he will have the King's pardon in his pocket. I do not think there were more than two or three men hanged by the Justices hearing Crown Pleas at this Kent Eyre, and these were taken red-handed, for crimes committed during the actual session of the Eyre, and had no opportunity of escaping. I have said ' by the Justices hearing Crown Pleas,' and so exclude all happenings at the Gaol Deliveries at Canterbury and Rochester, which were integral parts of the Eyre. At these Gaol Deliveries there were a goodly number of people hanged, especially when one considers what an amount of executive work of this kind the courts of the



hundreds and the courts of the greater franchises were responsible for. We must remember that, whatever it might be in theory, the Crown Pleas division of the Eyre was, in fact, a travelling branch of the Exchequer, with enormous powers of levying money by fines and amercements. It was little concerned with the administration of justice. It was the business of Gaol Deliveries to deliver gaols and to hang such prisoners as had neither been able to escape nor to shew that they should never have been arrested. It was the business of the Justices hearing Crown Pleas to see that every fact in connexion with every sort of criminal trial, either before themselves or at any previous gaol delivery, that might possibly furnish a reason for somebody being amerced, was brought to their notice. A man was hanged at some previous gaol-delivery. Possibly he was possessed of chattels. If he were, of course these are forfeit to the King, and it is for the Justices hearing Crown Pleas to declare them forfeit, and to see that their value is rightly assessed. All sorts of people who ought to have attended at one stage or another of the proceedings in connexion with the crime did not attend. Of course they are amerciable, and the Justices must see that they are amerced. But another lot of people were their sureties for attendance, and so these, too, must be amerced. Almost any page of the reports of the Crown Pleas contained in this volume will shew that the Crown Pleas division of the Eyre existed to fill the King's coffers and not to maintain his peace. But it must be remembered, in reading the reports of an Eyre, the reports, I mean, as given in what for want of a better term I will call the Year Books of the Eyre, that we cannot always distinguish between what happened at the Gaol Delivery and what happened in the Crown Pleas. To be certain we must go to the Roll. Sometimes we get recorded in the Roll the story of a particular prisoner in both sections, in the record of the Gaol Delivery and in the record of the Crown Pleas; and, when we do, the difference, in most cases, between the two branches stands out clearly. On p. 153 of this volume will be found a report of the trial of Robert Folejambe. This trial, as there reported, we find from the Roll was before the Justices delivering Canterbury Gaol. This is a bare record of his trial and conviction and execution. That is all that is material in the record of a Gaol Delivery. But Folejambe's case was also mentioned and dealt with from the Exchequer point of view in the Crown Pleas division. Our Year Books tell us nothing of this. I translate the record. 'Hundred of Maidstone. The jurors present that Robert le Semeter, called Folejambe, was arrested by John Marchaunt, the Borsholder of Wyke, at Maidstone, on a charge of burglary of the church at Maidstone, and on a further





charge of stealing certain ornaments belonging to the said church. He was brought by the said Borsholder to the Archbishop's prison at Maidstone, and afterwards escaped from the custody of the said John the Borsholder. So to judgment of the said John the Borsholder for escape, and also of the whole town of Maidstone. Afterwards the aforesaid Robert was taken, and hanged here etc. He had no chattels.' Here the facts that interest the Court are those which had no interest for the Gaol Delivery. To the Justices of Gaol Delivery it did not matter that Folejambé had previously escaped from prison. His original offence was sufficient to hang him, and that was enough. No more need be recorded. The Crown Pleas division,<sup>1</sup> on the other hand, is interested in his escape, as this enables them to fine not only the head-borough in particular, but the whole town in general. The fact that he was convicted of felony in the end also interests the Court, as there is the matter of the forfeiture of chattels, though in this case there happened to be none. Yet even the absence of any must be recorded. The Crown Pleas will certainly hang a man if they get the chance, but they very seldom do. They will frequently order, as our reports show, that such-and-such a one shall be arrested. Usually the Sheriff says that he has absconded, or that he cannot be found. Sometimes the man is caught. I think we should say, or at any rate understand, allows himself to be caught. In such case, as I have already said, we know before we read it that one of three things is going to happen, and that the conclusion of the whole matter will almost certainly be *Ideo ipse inde quietus*.

I have said that in most cases where a case is mentioned in both the Crown Pleas and the Gaol Delivery sections of the Eyre Roll we can see at once the reason for the double record. But there are one or two cases where the reason of the double record is, as it stands, dark to me. Take the case of one Golditha. I translate what follows from the Gaol Delivery section of the Roll.

'Calchill. Golditha that is the daughter of Godard Godesman, was arrested for that she so roughly treated a certain Alice that was the friend of William the Chaplain and was great with child that the said Alice gave birth to an untimely child and died within three weeks thereafter. Golditha comes; and, being asked how she will acquit herself of all this, says that of naught is she guilty, and for good and evil puts herself on the country. And the jury of that hundred upon

<sup>1</sup> I use this expression merely as distinguishing between the Justices sitting to hear Crown Pleas and the same Justices sitting to deliver the Gaols, and it must not be supposed that,

in so using it, I am asserting, as a fact, that a Court to hear the Crown Pleas was sitting separately from the Court hearing the Civil Pleas, though I think it probable that such was the case.



their oath do say that the aforesaid Golditha is not guilty of the wrongdoings aforesaid charged against her: and so the said Alice goes quit of all this. She did not abscond etc.' <sup>1</sup>

This is all straightforward enough. Golditha is tried, as we should expect to find her tried, by the Judges sitting to deliver the Gaol of Canterbury Castle, and was acquitted. Now read the record as it stands in the Crown Pleas section of the Roll.

'Hundred of Calchill. The jurors present that Golditha that is the daughter of Godard Godesman struck a certain Alice that was the friend of William the Chaplain, then being with child, and so violently pushed her against the door-post of the house that she brought forth before her due time, and the child straightway died and the said Alice likewise died by reason of the premises three weeks afterwards. And seeing that the aforesaid Golditha is at large within the county, let her be taken. Afterwards cometh the said Golditha, and being asked how she will acquit herself of all this, says that of naught is she guilty, and for good and evil she puts herself upon the country. And the jurors of that hundred upon their oath do say that the aforesaid Golditha is not guilty of the wrongdoings aforesaid charged against her. And so she goes quit thereof etc.' <sup>2</sup>

Now, if this record be complete, what is the purpose of it? It is exceedingly unlikely that Alice would be tried twice during the Eyre for the same offence in two different Courts. Even if she had been, she would certainly have pleaded *autrefois acquite* at the second trial. We can only suppose that the last quoted record is incomplete. It ought, probably, after reciting the general facts connected with the case, to have given us information respecting 'neighbours' or others who 'did not come,' and so were amerçiable. These were the facts

<sup>1</sup> 'Calchill: Golditha filia Godardi Godesman capta pro depulsiōne quam fecit cuidam Alicie que fuit amica Willelmi capellani dum fuit pregnans ita quod peperit abortivum et postea eadem Alicia infra tres septimanas proxime sequentes obiit venit et quesita qualiter se velit inde acquietare dicit quod in nullo est culpabilis et de bono et malo ponit se super patriam. Et jurati istius hundredi dicunt super sacramentum suum quod predicta Golditha non est culpabilis de predictis malefactis sibi impositis. Ideo ipsa inde quieta etc. Non subtraxit sc.—E. R. m. 96.

<sup>2</sup> 'Hundredum de Calchill. Jurati presentant quod Golditha filia Godardi

Godesman percussit quandam Aliciam amicum Willelmi capellani pregnantem et ipsam depulsiit contra postem domi ita quod peperit ante tempus pariendo et infans cito obiit et dicta Alicia post tres septimanas inde obiit. Et quia predicta Golditha manens est in patria capitur. Postea venit predicta Golditha et quesita qualiter se velit acquietare dicit quod in nullo est culpabilis et de bono et malo ponit se super patriam. Et jurati istius hundredi dicunt super sacramentum suum quod predicta Golditha non est culpabilis de predictis malefactis sibi impositis. Ideo ipsa inde quieta etc.—E. R. m. xv. d.



which the Crown Pleas division of the Eyre wanted. Mere hanging or acquittal was the business of the Justices delivering the Gaol. It may be noted here that the general recital, in the record of the proceedings before the Crown Pleas division, of all facts connected with cases with which this division was dealing merely for the purpose of imposing amercements and confiscating chattels, often makes it very difficult to assure one's self exactly as to what did actually happen there, and as to what happened somewhere else.

#### (11) OF THE MAKING AND DETERMINING OF PRESENTMENTS.

That the dozens must have made their presentments in writing seems fairly certain. That the whole twelve jurors of each dozen made a joint presentment does not seem so certain. In a Year Book of the Cornwall Eyre of 30 Edward I occurs this: '*Unus jurator duodecim in secreto suo sine assensu sociorum et consensu presentavit quod A. fecit furtum. Duodecim dixerunt se nil scire.*' And so the juror is put into mercy. Now his offence seems to have been that '*in secreto suo,*' which means, I suppose, in his list of private presentments, he had included a presentment about which the other jurors of the dozen knew nothing. It seems a fair conclusion to suppose that each juror made a separate series of presentments in writing, in which he must not include anything which he had not brought to the notice, at any rate, of his brother jurors. Whether merely bringing it to their notice was enough to warrant him in including it in his presentments, or whether the whole dozen must be unanimous for its inclusion, nothing that I have seen tells us. But the expression '*in secreto suo*' seems to point clearly to a separate list being prepared by each juror.

The record of the presentments of the several hundreds in the Eyre Roll gives us the presentments of each hundred, and what happened in connexion therewith, separately. Each several list of presentments is headed after this wise: *Hundredum de — venit per xij.* (The half-hundreds come by *vj.*) Then came the several presentments. But it would be most unsafe to assert that the order of the record is any guide to the order in which the presentments were dealt with before the Justices. Two things touching this point a study of the Roll seems to make clear. First, that the record as we have it was not engrossed in Court as the hearing proceeded; and second, that cases were adjourned once or twice, or even oftener for further evidence. Perhaps one might even go so far as to say that they were revived, when some forgotten evidence was recovered or remembered. We must remember that many of the matters into which the Court was inquiring were



twenty years old. Take this extract from the Roll: 'Some unknown mal-factors met John the reeve in the borough of St. Nicholas, and attacked and wounded him, and, tying up his hands, threw him into the millpool at Minkerton, so that he died. Afterwards the jury testify that it was Richard Baker and John Smith who slew the said John the reeve. . . . Afterwards it is found by the record of the coroner's rolls that Peter Jacob of Sarre together with the aforesaid Richard and John slew the said John the reeve.'

This appears to point to at least three times when this matter was before the Court. If this be a correct interpretation of the form of the record, then it seems certainly to follow that the record must have been subsequently put together from notes taken at three different times. There are many similar instances in the Roll. Obviously later additions to already recorded facts are also to be found.

## (12) OF PRESENTING AND DELIVERING JURIES.

Some doubts have been expressed as to whether the presenting jury—the dozen of the hundred—was also the jury that actually tried the prisoner and returned the verdict that condemned or acquitted him. One of our manuscripts seems to be conclusive on that point. 'If the dozen make a presentment against anyone under any Article of the Eyre, the Sheriff shall bring up such an one; and when he comes he shall put himself upon the jury that indicted him.'<sup>1</sup> That this statement, however, cannot, as it stands here, be taken as accurately setting forth the actual practice, our reports put beyond doubt. That the presenting jury always formed, if not the whole, at least a portion of the delivering jury, does seem, indeed, all but certain. And first as to this. We must remember that there were only twelve jurors for each hundred; and, as we cannot well suppose a jury consisting of fewer than twelve, there was no alternative jury of any hundred. All verdicts, with such few exceptions as I shall discuss presently, are recorded in one or other of these two forms: *Jurati dicunt*, or *Jurati istius hundredi cum juratis de hundredo de A. dicunt*. I think it is a fair inference that the *Jurati* of the first form are the *Jurati istius hundredi* of the second. Wherever we are told anything at all about the composition of the jury we always find that the presenting jury forms part of it. An accused man desires to be tried by a jury of the

<sup>1</sup> See p. 64 *infra*. It was not till 25 Edward III (Statute 5, c. 3) that it was 'accorded that no Indictor shall be put in Inquests upon deliverance of

the Indictors of felonies or trespasses if he be challenged for that same cause by him who is so indicted.'





hundred where he was born. The judge says he ought to be tried by the jury of the hundred where the alleged offence was committed, that is by the presenting jury : but allows him, as a sort of compromise, to be tried by the combined juries of both hundreds. The composition of a delivering jury, so far as all the evidence we have goes, was entirely a matter for the Court, so long as the presenting jury formed part of it. Whether these composite juries always consisted of the whole dozens of the several contributory hundreds, so that the total number of jurors was some multiple of twelve, or whether only a fraction of each dozen was nominated, making up a jury of twelve only, there is not quite conclusive evidence ; but the probabilities point to the whole dozen forming part of an enlarged delivering jury. There is an instructive case reported on p. 153 of this volume. Here the dozen of the hundred of Westgate had presented that certain named officials were in the habit of levying forced contributions upon market-gardeners coming to Canterbury to sell their produce in the market there. The charge is tried by a jury made up of the 'juratores istius hundredi' (*sc.* the presenting hundred), 'cum juratoribus Cantuarie.' In the first place unless *juratores* and *juratoribus* were to be translated with the definite article prefixed, meaning the whole dozen in each case, we should almost certainly have had *quidam* and *quibusdam* respectively prefixed to the Latin words. In the second place, the record tells us that the accused men were found not guilty, 'et xij in misericordia pro falsa presentacione.' The whole presenting dozen was answered without any further proceedings, which would scarcely have happened unless the whole dozen had been upon the trying jury, and had, by their verdict, condemned themselves by contradicting their own presentment. We get instances of juries made up of the dozens of two and three hundreds not infrequently. We are told of specially chosen juries, 'juratores electi ad hoc,' without any hint as to their composition or number. We have also juries by agreement of the parties concerned—*cum assensu predictorum*. The only fairly deducible rule seems to be that the presenting jury should be the delivering jury or should form part of it.<sup>1</sup> The Court might, apparently, join with it what other dozens it might consider likely to aid in making patent the truth and the whole truth. The history of an offence would often touch two or three hundreds. It might be committed within one hundred by persons belonging to one or two other hundreds against someone living in yet another hundred ;

<sup>1</sup> On the one point as to which the Roll gives us definite information there were only five out of the six jurors of the half-hundred making the presentment. See p. lx of this *Introduction*.

Mention of a quite exceptional jury will be found on p. lxxxix, in the report of the strange case from Bevington. But the form of the presentment it had to consider was equally exceptional.



and the dozens of these different hundreds would probably be amalgamated to try the truth of the charge. Sometimes we have such a record as this. 'The jurors of the hundred together with jurors specially (*ad hoc*) chosen say.' All this seems to point to the conclusion that the constitution of the jury was entirely in the discretion of the Court, with the one condition that the jurors of the presenting hundred must form part of it. There is no record of this Eyre where the verdict of the 'four townships' is taken. Such procedure appears by this time to have become quite obsolete. Further research seems to leave no support for the suggestion that has been made that in the 'quatuor villatæ' may possibly lie the germ of the later petty juries. The juries in this Eyre return their verdicts as a whole. There is no hint in the case of an enlarged or composite jury of the several component dozens thereof returning separate verdicts. The combined dozens of two hundreds might, apparently, jointly and simultaneously try a man for two separate felonies committed in the two several hundreds.<sup>1</sup> We have no certain information, except in one case, as to what happened upon the trials of presentments and indictments formulated by the half-hundreds. These half-hundreds are all recorded as coming 'by six';<sup>2</sup> that is to say there were only six jurors for each of them. We have only two alternatives, either that a jury consisting of six members only heard and determined the charges arising within their own half-hundreds, or that they were always supplemented by jurors from elsewhere, and the evidence we have points to the latter course.<sup>3</sup>

### (13) OF THE KNIGHTS' PRESENTMENTS.

Towards the close of Eyre Rolls of the times whose procedure we are considering we find a short list of presentments headed 'The Roll of the Knights' Presentments.' Dr. Stubbs has told us that bodies of Knights were elected for various local purposes. As to these Knights who made presentments at Eyres the medieval authorities are, as far as I have been able to inform myself, silent; and the Eyre Rolls of the time tell us nothing about them except that they made certain presentments, and also occasionally formed portion of the juries that tried such presentments. There seems nothing to differentiate the presentments made by them from the presentments made by the dozens of the hundreds. They cannot be said to be of a more or of a less serious

<sup>1</sup> E. R. m. 92.

<sup>2</sup> See *Appendix*.

<sup>3</sup> See p. lx of this *Introduction* for a

panel of a delivering jury of the half-hundred of Langpool.



nature than these. They refer to matters occurring in various hundreds, the name of the particular hundred being set in the margin. The Knights present, too, in cases from the cities of Canterbury and Rochester. The formula of presentment is 'Milites electi presentant quod' etc., or, simply, 'Milites presentant quod' etc. In the trial of these presentments jurors from the dozens of the hundreds seem always to be joined with the Knights. Sometimes one is inclined to believe, from the form of words used, that there were no Knights at all on the delivering jury. I quote the following descriptions of delivering juries from the Eyre Roll. In all cases they are juries trying and determining presentments made by the Knights. 'Milites ad hoc electi simul cum juratis hundredi de E. dicunt super sacramentum suum'; 'Jurati dicunt'; 'Milites et alii jurati diversorum hundredorum in quos predictus W. F. se posuit etc. dicunt'; 'Jurati de eadem civitate' (*sc.* Canterbury) 'simul cum aliis tam militibus quam aliis de visneto etc. ;' and other similar forms. There is no reason that I can discover why these particular presentments should not have been made by the dozens in the ordinary way.

#### (14) OF GRAVE PENANCE.

If a prisoner would not put himself upon a jury he was remitted to prison to undergo his grave penance, and what that was SCROPE J., speaking through a mediæval scribe, shall describe to us presently. The object for which a man submitted himself to this horrible fate was the preservation to his family of his real estate, which, in the event of his being convicted for felony, would have been forfeited. The same fate awaited a prisoner who challenged three juries successively. There is no record of anyone taking this latter course in our Kent Eyre, but I quote an instance from a Year Book of the Northamptonshire Eyre of 8 Edward III. 'A man was arraigned for felony. He put himself upon the country, and then challenged the inquest. SCROPE J. "If you refuse this inquest, we shall take another at once, and then a third, if it be necessary, and if you refuse all three you will be sent to your penance." And to this was the man adjudged for that he refused all three inquests. And this is the penance to which he was so adjudged, to wit, that he should be stripped of all his clothes save his linen underclothing<sup>1</sup> only, and be straightway taken to a bare cell; and that there should there be put upon him as great a weight of iron as he could bear, and that upon one day he should have a piece of

<sup>1</sup> This seems the most probable meaning of 'ses dras langes.' Cf. *Littre*, s.v. *lange*.



bread to eat, and upon another a drink from the nearest pool of stagnant water, and so continue until he should die.'<sup>1</sup> Another prisoner at this same Northamptonshire Eyre took the same course; but, being addressed by SCROPE J. in similar terms, 'he withdrew his challenge, and was hanged.' It should be noted that the Court treated a refusal on the part of an indicted clerk to abide by a single plea as a refusal to plead, and so remitted him to his penance.<sup>2</sup>

(15) OF THE DURATION OF THE EYRE AND OF WHERE IT WAS HOLDEN.

Now of the place or places wherein this Eyre ran its course and of the time it lasted—what of these? The Eyre began—that we certainly know—on the Sunday that was the Octave of the Nativity of St. John the Baptist, towards the close of the sixth year of Edward II; that is to say, on the first day of July 1313; the Feast of the Nativity of St. John the Baptist falling on June 24, and the sixth year of Edward II completing itself with July 7, 1313. When the Eyre ended must be, to some extent, a matter of inference, but we can fix the date within very narrow limits. Many letters from the King to the Justices have been preserved, letters wherein he gives them instructions and commands concerning divers matters with which they are concerned. The latest of these letters which I have been able to find is dated May 27, *anno regis* 7; that is to say May 27, 1314. It orders the Justices of Eyre in Kent to adjourn till the Octave of Michaelmas before the King himself all matters touching Bartholomew de Badlesmere concerning the liberties claimed by him. So that on May 27, 1314, the Eyre was certainly still going on. Something will be said in a later part of this Introduction of a subsidiary Eyre holden at Wye for the liberties of the Abbot of Battle. Whether this lesser Eyre began before the general Eyre of the county was concluded, or not, can be a matter of inference only; but it seems probable that the Justices would conclude the general Eyre before detaching one of their number for the work of the smaller one. The Eyre at Wye was opened on Tuesday the morrow of the Nativity of St. John the Baptist in the seventh year of Edward II; that is to say, on June 25, 1314, six days short of a full twelvemonth

<sup>1</sup> 'Un hom fut arene de felonie il se mist et pus chalengea lenquest. SCROPE si vous refusez cest enquest nous prendrons altre tantost et pus la tere si meistre sait et si vous refusez les .iij. enquestes vous serrez iugge a vostre penancee et ensi fut il iugge par ceo qil refusa les .iij. enquestes et la

penancee fu tele par iugment qil serreit despoille de touz ses draps forpris ses dras lenges et mis en une meson bale nettement et charge de tant de fers qe il pout porter et un nor une pece de pain et altre nor un tret de la plus prochein ewe esteante tanqil soit mort.'

<sup>2</sup> See p. 125 *infra*.





from the opening of the Eyre at Canterbury. We shall probably not be wrong, then, if we say that the Eyre of Kent lasted through a whole year. But there was an adjournment of some length after it had been sitting for a month. On July 29, 1313—there must be something incorrect about the date of this letter, unless it was written merely to give royal confirmation to an act of the Justices—the King writes to the Justices bidding them adjourn their sittings from the Saturday after St. James's Day—which Saturday in 1313 fell upon July 28—till the Monday after the Nativity of Our Lady, that is till September 8, 'as it would be greatly to the incommody<sup>1</sup> of our people of the said county that the pleas of the said Eyre should be holden in the season of August next.' It may be of interest to note here that the time which Edward II considered, rightly enough, an inconvenient one for holding an Eyre in Kent, Henry III considered, also rightly enough, a specially convenient time for holding an Eyre in the neighbouring Cinque Ports. In a mandate to the Ports directing that their Court of the Pleas of the Crown shall be held for the future every year in August at Sheppey, he assigns as a reason for such order that August is an idle time with the men of the Cinque Ports, as they have then returned from the various regions whither they have gone with their merchandises, and are awaiting the harvest and fishing on the coasts of England.<sup>2</sup> It seems likely that this Kent Eyre of 6 & 7 Edward II was the longest Eyre ever holden. Amongst the records of Eyres still preserved in the Public Record Office there is certainly no record of any other Eyre that is comparable in bulk with the two voluminous rolls that make up the record of this Eyre of Kent.

As to exactly where the Justices sat we can, with our small knowledge of the public buildings of the Canterbury of 1313, say but little. There are two or three references in the Eyre Roll to give us some little hint. From the case of Master Thomas of Chartham and Benet of Shamelesford, reported on p. 185, we gather that the Court was sitting in the hall of the palace—*palatium*—of Canterbury, which is probably the same hall as is elsewhere called 'the great hall'—*aula magna*. Somner, our oldest Canterbury topographer, appears to know nothing of any *palatium Cantuarie*; but he does keep one from jumping to conclusions and risking a guess that it was in the Guildhall of the city that the Court sat; for, if Somner be right in his beliefs there was no building in Canterbury at that time, nor for long years afterwards,

<sup>1</sup> The text is interesting as it gives us an instance of the use of the word 'disease' in its original sense: 'que ce serroit a desese de nostre people du dit

contez qe les pledz du dit eire se tenissent la seson de Augst prochain avenir.'

<sup>2</sup> *Archæologia Cantiana*, xiii. p. 191.



that was known as the Guildhall. That name, he says, 'occurs not in any record that I could yet meet with until the 26 Henry VI. . . . Aforetime it was commonly called and known by the name of the Speech-house.'<sup>1</sup> Somner further tells us that part of this ancient building which subsequently became known as the Guildhall was used as the common prison of the city. Now on p. 21 we are told that at a certain stage of the proceedings two of the Justices went to the prison and there called before them the coroners with their rolls, which were in the bags that had been sealed with the seal of the Justices. If these bags had been sealed with the seal of the Justices in full Court sitting in the hall of the palace, as it would appear they were, it is not likely that they would be carried away afterwards into some entirely different building. We have, then, this resemblance between the 'palace' and the building which subsequently became known as the Guildhall, that part of each of them formed the common prison of the city. And I do not know that there is anything more than this to lead us to believe that the two buildings were one and the same, or to believe that they were not.

That two Courts at least were sitting at the same time seems plain from the statement on p. 57 that one of the Justices is to be specially assigned to hear and determine plaints which have been brought by bill, such as debt and trespass, where no felony is involved. It seems probable, though I can produce no certain evidence of it, that Justices were specially assigned to deliver the three chief gaols, i.e. the two gaols at Canterbury, the King's and the Archbishop's, and the gaol at Rochester. That the Justices did sit at Rochester we know from the fact that the King addressed letters to them there.

#### (16) OF CORONERS.

Coroners play so prominent a part in the proceedings of the Eyre that some notes concerning them may fitly find place here. The origin of their office is ascribed by Stubbs, Maitland, Gneist, Bigelow, Stephen, Palgrave, and Reeves to Article 20 of the Articles of the Eyre of 1194.<sup>2</sup> Dr. Gross alone greatly doubts; and, seemingly, more than doubts. Both the evidence which appears to have induced Dr. Gross to believe that coroners existed before 1194, and that Article 20 of that year was declaratory of an already existing state of affairs rather than creative of a new one, and Maitland's reasons for not allowing to this

<sup>1</sup> Somner's *Antiquities of Canterbury* (edition of 1703), p. 66.

<sup>2</sup> Article 20 reads: 'Preterea in quolibet comitatu eligantur tres milites et unus clericus custodes placitorum corone.'



evidence the weight which Dr. Gross attached to it, are set out in the Introduction to *Select Cases from the Coroners' Rolls*<sup>1</sup> in pages which must be seriously studied by anyone who would equip himself for giving an opinion on this question. I have lighted upon some further records which seem to lend support to the belief that there were coroners earlier than 1194. Before commenting on any of them, I set them out in order of their dates.

1. Walterus de Steinibi redd. comp. de ij m. pro saisina de wrecco sine serviente regis. (Pipe Roll, 27 Henry II, m. 3 d.)

2. Villata de Mealdon redd. comp. de iij m. pro latrone suspenso sine visu servientis regis. (P. R. 31 Henry II, rot. 2, m. 1.)

3. Eustace le Ferun redd. comp. de xx. d. pro homine submerso in puteo qui sepellitus sine visu servientis regis. (*Ibid.* rot. 4, m. 2.)

4. Rogerus de Chalreda debet dim. maream quia interfuit juisse aque sine visu servientium regis. (*Ibid.* rot. 1, m. 1.)

5. William de Stanford is amerced 'quia cum esset serviens hundredi non presentavit placita corone vicecomiti sicut prius presentata.' (*Ibid.* rot. 8, m. 1.)

6. Ricardus Murdach redd. comp. de vi. li. xiiij. s. iiij. d. quia non servavit placita corone. (P. R. 1 Richard I, m. 10.)

7. Willelmus serviens hundredi de Gossefeld debet v. s. ij. d. pro concelamento placitorum corone. (*Ibid.* m. 11.)

8. Villata de Kaingham redd. comp. de xx. s. pro sepulto mortuo sine visu servientium. (*Ibid.* m. 5 d.)

9. Willelmus de Trinewit redd. comp. de dim. marca quia extraxit puerum oppressum in domo sine visu servientis. (*Ibid.* m. 7.)

Other similar records of the same date could be quoted, but these will suffice for our present argument; 1, 2, 3, 4, 5, 8, and perhaps 9, of these extracts from the Pipe Rolls seem to indicate the existence of persons possessing the functions and performing the duties which were certainly associated with coroners after 1194.

Amongst the recorded facts which Dr. Gross adduced as lending support to his belief in the existence of coroners before 1194 was the record in the Pipe Roll of 30 Henry I, p. 91, of a certain Benjamin accounting for £4 5s. 'ut custodiat placita que corone regis pertinent.' Commenting on this, Maitland said: 'A Benjamin who has no surname looks uncommonly like a Jew, and perhaps the pleas he wishes "to keep" are pleas concerning the Jews.' A similar criticism is not applicable to (6), the case of Richard Murdach; and if Maitland's unwillingness to allow that Dr. Gross's Benjamin was a coroner rested only upon his belief that this Benjamin without a surname was a Jew, desiring merely to have the keeping of pleas concerning Jews, this case

<sup>1</sup> *Selden Society Series*, vol. ix.



gives no ground for objection. Maitland's definition of a coroner—if I am not mistaken—was this: A coroner is one who, while he is commissioned *custodire* (or *servare*) *placita coronæ*, is not entitled, or at all events is not empowered by the terms of his appointment, *tenere* (or *placitare*) *placita coronæ*. If Richard Murdach had been entitled or empowered *tenere placita coronæ*, would he not have been fined rather for an omission to hold them than for an omission to keep them?

Again in (7), William the serjeant of Gosstield is fined for concealing the pleas of the Crown. He could hardly have concealed them from himself. He must have concealed them from someone who was empowered *tenere placita coronæ*. But, if this be true, does it not follow that William was empowered *custodire* but not *tenere placita coronæ*? If so in fact it were, we should have, in 1 Richard I, at the latest, one who satisfies Maitland's definition of a coroner.

In the earlier Pipe Rolls of Henry II we find frequent instances of hundreds and wapentakes being amerced *pro concealimento placitorum coronæ*.<sup>1</sup> In the later Pipe Rolls of the same reign and in the earlier Pipe Rolls of Richard I, it is, as we have seen, the *servientes Regis* or the *servientes hundredi* who are amerced *pro concealimento placitorum coronæ*. After 1194 it is the *coronatores* who are so amerced. The persistence of the old phrase seems to point to the conclusion that long before 1194 the duties of the coroners that were to be were vested in the hundreds and wapentakes and towns that ranked as such; that before 27 Henry II this system was superseded by the appointment of special officers in each hundred or wapentake who were made personally responsible for keeping the pleas of the Crown, such officers being known as *servientes hundredi* or *servientes Regis*,<sup>2</sup> this latter, seemingly, in the case of a township (*villata*) ranking as a hundred, and that in 1194 this system of separate officers for each several hundred was superseded by the appointment of officers of greater dignity and fewer in number whose duty it was to keep the Pleas of the Crown for the whole county. These latter became known as Coroners. So it would seem likely that in Article 20 of the *Capitula Itineris* of 1194 we have the origin merely of a new name and an extended jurisdiction, at the most, for an office

<sup>1</sup> e.g. Pipe Rolls 14 Henry II (vol. vi.) on p. 167 of which are three instances of hundreds being amerced *pro placitis coronæ celatis*.

<sup>2</sup> In the Pipe Roll of 31 Henry II (vol. 5, m. 1 d.) is the following: 'Villata de Haselbail redd. comp. de iij li. pro concealimento et quia sepeliverunt mortuum juvenem sine visu servientium viccomitis.' This gives us another

name for the officers performing in a hundred the duties of the later coroner. It may be well to point out that the other offence—*concealmentum*—for which this hundred was amerced is a quite different offence from *concealmentum placitorum coronæ*. The entry probably refers to the concealment of some escheat to the King.





that in all its essentials was already of long continuance. Indeed if a quite new office were being created, we might reasonably expect some fuller exposition of its purpose than is contained in the curtly expressed order of Article 20.

To what Dr. Gross says touching the coroners of the King's verge may be added here, on the authority of a case recorded on the roll of this Kent Eyre, the note that in inquests holden on the bodies of persons dying within the verge no 'primus inventor' need be named, nor 'quatuor vicini.'<sup>1</sup>

There were, as Dr. Gross tells us, both coroners for the county and coroners for certain towns and franchises. But the fact that a town had a local coroner of its own does not seem to have ousted the county coroners from jurisdiction within the limits of such local coroner's jurisdiction. One Geoffrey, a clerk, was imprisoned within the prison of Canterbury Castle. He escaped therefrom, and was recaptured. He was then taken back to the prison and flogged, and shortly afterwards died. One of the county coroners, John Abdelese—*coronator forinsecus* the roll calls him—held an inquest upon the body, and his roll recorded a verdict of death from natural causes. Then the city coroner came and held an independent inquest, and his roll recorded a verdict of death from the consequences of the flogging the man had received. Here was clearly a matter for the Justices to inquire into. The rolls of both coroners are before them, and the dozen of Canterbury are charged to say which is the true verdict. They find upon their oath that the man died from natural causes. Then the Justices deliver a judgment of importance. 'Seeing,' they say, 'that there is a variance between the rolls of the foreign coroner and the coroner of the city touching the cause of the death of the aforesaid Geoffrey; and seeing, also, that Canterbury Castle is within the precincts of the city of Canterbury, it is the city coroner who must in future hold inquest upon persons dying within the Castle.' Then they add that if in the future the Sheriff should send for a foreign coroner to hold an inquest within the Castle such foreign coroner must not proceed to hold an inquest unless the city coroner be present, 'because such an inquest should be more readily made by the men of the city than by strangers, nor can the men of the city be fitly joined with strangers, unless it be for some certain cause.'<sup>2</sup> Can we infer from these last few words that when a

<sup>1</sup> 'Nihil de inventore neque de vicinis eo quod infra virgam regis.—E. R. m. 71 d.

<sup>2</sup> 'Et quia varietas est inter rotulos coronatoris forinseci et coronatoris civitatis de morte predicti Galfridi ac etiam

quia predictum castrum est infra precinctum civitatis Cantuarie preceptum est vicecomiti quod de cetero pro quolibet mortuo in dicto castro per coronatorem videndo coronatorem civitatis officium coronatoris ibidem facere,



'foreign coroner' held an inquest within a city or franchise that had a local coroner, he brought with him his own jury, a jury of 'forinseci'? One would like to know what the Justices had to say to such a famous 'variance' as this case discloses, but the Roll is silent.

There is another interesting case concerning the jurisdiction of the local coroner of Canterbury and his 'foreign' colleagues which I may properly translate and insert here. One Adam had slain Alexander the carter of the Prior of Christ Church within the priory of the said prior, and he was delivered to the Archbishop as a convicted clerk. 'It is after found by inspection of the rolls of the coroner of Canterbury, and evidence thereof is given, that John Andrew, then being coroner of the city of Canterbury, came about the first hour on the morrow of the commission of the said felony, and claimed to see the corpse and to do his office as coroner. But William Derby, the deputy of Richard Wyllmington, that was then the steward of the said priory, and Thomas Percy that was door-keeper of the said Prior, would not allow the said coroner to enter. And afterwards the aforesaid Prior sent for certain foreign coroners, that is to say, for Henry Weghope and William Baron, that now be dead, and John Aldelose, that yet is coroner and alive; and these held inquest concerning the aforesaid death in the Barbican that lyeth outside Canterbury Castle, in the presence of Waresius de Valoignes and John de Bourne, that were then guardians of the peace. So charge is given to the Sheriff that he have here the aforesaid Prior of Christ Church. Afterwards the said Prior comes and says that his priory is a place exempt from the jurisdiction of the city of Canterbury and its liberty. He further says that never was the aforesaid coroner hindered by him, the Prior, nor were the said foreign coroners sent for by him. And he asks that inquiry may be made concerning these matters.

'And the jurors of the city, together with Knights chosen to sit upon this inquest, upon their oath declare that Richard Wyllmington, that now is dead and that then was the Steward of the aforesaid Prior, refused to allow the said John Andrew that was coroner to enter the said priory to the end that he might do his office, but did cause the doors of the said priory to be closed so that the said John the coroner might not enter; and this they say he did, the Prior wotting naught thereof. They say further that the same Richard sent for certain

et quamvis de voluntate alicujus vice- coronatorum pesterum fuerit quod coronatores forinseci mandentur per vice- coronatorem vel ministros suos pro hujus- modi officio faciendo infra castrum pre- dictum loci non faciat idem coronator

nisi presente coronatore civitatis pro eo quod inquisicio inde fieri debet citius per homines civitatis quam per homines forinsecos nec congrue iurari poterunt nisi ex certa causa homines civitatis et forinseci.'—E. R. m. 63 d.



foreign coroners, who went there and viewed the aforesaid dead man. And they say that this same dead man was afterwards buried by certain serving-men that had been comrades of him that was dead, but they wot not of the names of these. And they say that the aforesaid coroners held inquest as aforesaid upon the aforesaid dead man in the Barbican as is aforesaid. And the jury, when it was asked of them what coroners had in times past been wont to hold inquests within the said priory, said that ever before that time the coroners of the city of Canterbury had so done. And being further asked whether or not the aforementioned foreign coroners had gone thither at the invitation of the Prior, they said that they did not so go, but that they went at the invitation of the aforesaid Richard Wilmington, and that the aforesaid Prior wotted naught thereof. So let the Prior go quit of this matter. Afterwards came the aforesaid William Derby and could not gainsay that he had hindered the aforesaid coroner of Canterbury and had caused the doors of the said priory to be closed against the said coroner, so that the said coroner might not there do his office in respect of the said dead man. So to prison with him.' Both William Derby and Thomas Percy subsequently made fine with the King.<sup>1</sup> It is noteworthy that in this case three coroners seem to have held a joint inquest.

<sup>1</sup> Postea compertum est per rotulos coronatoris civitatis Cantuarie et testatum quod Johannes Andreu tunc coronator etc. venit in crastino circa horam primam post feloniam predictam factam et voluit vidisse corpus et fecisse officium coronatoris et Willelmus de Derby tenens locum Ricardi de Wylmynton tunc seneschalli predicti prioratus et Thomas Percy custos porte predicti Prioris non permiserunt ipsum coronatorem intrare et postea predictus Prior misit pro coronatoribus forinsecis videlicet Henrico de Wezhope Willelmum Barount qui obierunt et Johanne de Aldelose coronatore superstiti qui ceperunt inquisitionem de morte predicta apud le Barbican extra castrum Cantuarie in presenciis Willelmi de Valignes et Johannis de Bourne tunc custodibus pacis etc. Ideo preceptum est vicecomiti quod venire faciat predictum Priorum etc. Postea venit predictus Prior et dicit quod prioratus ejus est locus exemptus a civitate Cantuarie et ab ejus libertate. Fuit etiam quod predictus coronator per ipsum impeditus non fuit nec predicti coronatores forinseci per ipsum fuerunt mandati. Et hoc petit quod inquiretur.

Et jurati civitatis simul cum militibus ad hoc electis dicunt super sacramentum suum quod Ricardus de Wylmynton qui obiit tunc seneschallus ejusdem Prioris non permisit dictum Johannem Andreu coronatorem intrare dictum prioratum pro officio suo faciendo set claudere fecit portas ejusdem prioratus ita quod intrare non potuit, sed dicunt quod hoc fecit nascente Priore. Dicunt etiam quod idem Ricardus misit pro predictis coronatoribus forinsecis qui ibidem venerunt et predictum mortuum viderunt. Et dicunt quod idem mortuus postea sepultus fuit per quosdam garchiones qui prius erant socii ipsius mortui quorum nomina ignorant et quod predicti coronatores ceperunt inquisitionem predictam de predicto mortuo apud le Barbican ut predictum est. Et jurati quesiti qui coronatores solebant facere officium coronatoris in predicto prioratu temporibus retroactis dicunt quod semper ante illud tempus coronator civitatis Cantuarie illud fecerunt. Quesiti etiam si predicti coronatores forinseci venissent ibidem per mandatum Prioris dicunt quod non set per predictum Ricardum de Wylmynton ignorante predicto Priore. Ideo idem Prior



On p. 87 is reported a *dictum* as to a coroner's duty when the body of a drowned person is found in a pond. He is to order the Borsholder and the whole borough within whose jurisdiction the pond lies to have it filled up, and is to enter such order in his roll. Disobedience to such order is to be presented at the Eyre, and, if proved, will subject the borough to punishment. A coroner who has entered the assessed value of the chattels of anyone in his roll must be careful to bring with him, when the matter comes before the Justices in Eyre, those who made such assessment; or, at any rate, must be prepared to give their names; or, in the event of the jury assessing the same chattels at a higher value, he will be amerceable. And if the jurors return a smaller value than the one recorded in the coroner's roll, they will be in like case.

#### (17) OF THE CINQUE PORTS AND SOME OTHER LIBERTIES.

In the Roll of this Eyre is much of interest relating to the Cinque Ports, something of which may here properly be noted. The Cinque Ports possessed many special franchises and privileges. One of the most important of these is referred to and acknowledged in a letter written by the King to the Justices in Eyre, dated October 22, *anno* 7. The Justices had caused several of the men of the Cinque Ports to be summoned before them 'ad respondendum illis de diversis transgressionibus et felonis eis impositis.' But, says the King, these Barons of the Cinque Ports have a franchise, to wit, that only before Us wherever We may be, or before their own Warden sitting at Sheppey, shall they be called on to clear themselves of any trespasses or felonies that may be imputed to them; and before none other, be he Justice of ours or not, shall they be so summoned. And he bids the Justices suspend all proceedings that may have been commenced against any of the barons, and to refer them to the King himself in Parliament.<sup>1</sup>

But the barons—or some of them, at any rate—were not satisfied with being exempt from being tried by anyone save the King himself or their own Warden. They would have it that the King's Justices

role quitus. Postea venit predictus Willhelmus de Derby et non potest claudere quin impedivit predictum coronatorem Cantuarie nec quin claudere post portus predicti prioratus per quod coronator officium suum de premissis facere non potuit.

R. 2. 61 d.

Mr. Montagu Burrows says of the Court at Sheppey (*Historic Towns, Cinque Ports*, p. 186): 'No records of its

medieval practice have survived; but the Rev. S. P. H. Statham has given us in his *Dover Charters and other Documents in the possession of the Corporation of Dover* (London: Dent and Co. 1902) an early record of the constitution and proceedings of this ancient Court. This record, numbered xxvi in Mr. Statham's book, is of very great interest, and seems to have been unknown to all historians of the Cinque Ports.





had no authority of any kind within the franchise ; that their officers and ministers might lawfully be dealt with as public enemies, and be taken and evil intreated and cast into prison. What they were capable of in this respect the record of this Eyre of Kent exactly tells us. Over fifty men of Lydd were arraigned before the Justices, and the charges laid against them were manifold. It was said of them, in the first place, that they were a society that had banded themselves together and had bound themselves by mutual oath each to support other in divers matters and in the maintenance of plaints. But this was only a preliminary, calculated, may be, to take off the edge of anything they might say in their own defence. The real charge against them was that they would suffer neither coroner nor Sheriff nor Sheriff's men to come into Lydd, to the contempt of our lord the King and the encouragement of evil-doers. And if haply some such a one did succeed in making his way thence, him would they straightway seize and thrust into prison at their liking. Nay, while this very Eyre was sitting they had seized certain officers of the Sheriff sent by him to carry out commands of the Justices laid upon him for execution, and had beaten them and imprisoned them. Their plea of not guilty availed them naught, and they were forced to make fine with the King in sums varying from forty pounds to half a mark, a fact which shows that there were men of much substance amongst them, which we might also infer from the very special jury which tried them. The panel, as the record gives it to us, is : Ricardus de Rokeslee, Warresius de Valoignes, Nicholas de Sandwico, Johannes Malemcynes de Hoo, Adam de Chyvenyng, milites ad hoc electi, simul cum Ada de Brokescumbe, Willmo de Swanto et quinque juratis istius dimidii hundredi. (Sc. Langport.)<sup>1</sup>

The Roll tells us nothing of any objection taken to the Court's jurisdiction, a point which we may feel sure was urged. It may be that these men of Lydd were more lawless than the men of the Cinque Ports generally, by reason of the fact that they had not completely established their claim to be Cinque Ports' men at all, for there have been in all times those that have thought that violence might succeed, as, indeed, it sometimes does, where long persuasion seems to have effected naught. The men of Dungeness were in the same dubious condition as the men of Lydd.<sup>2</sup> Indeed the former were claimed by the Abbot of Battle as belonging to his liberty of Wye. Some years before this he had done stronger things than make a mere

<sup>1</sup> E. R. m. 59.

<sup>2</sup> And yet in 1309 Dungeness is said to be within the liberty of the Cinque

Ports.—*Calendar of Close Rolls*, 3 Edward II, p. 234.



claim. He had seized and carried off by force of arms certain goods at Dungeness which Robert de Kendal the Warden of the Cinque Ports had arrested in the King's name, and for this he was haled before the King and his Council.<sup>1</sup> As for the men of Lydd I do not know that anyone cared to claim them, though they came to be called, like the men of Dungeness, 'the Archbishop's men.' If they were really of the Cinque Ports then it was their privilege to plead and to be impleaded in their own Court only, and they need render no obedience to the writ. Representations to this effect are made to the King. And, if we may judge from the royal rescripts to the Justices on the matter, neither the King nor his counsellors seem to have quite known their own minds about it. In a letter dated September 25, *anno regni* 7, the King tells the Justices that they are to deal with all matters touching the men of Lydd and Dungeness, '*asserentes se esse de libertate quinque portuum*,' during the present Eyre; 'and the bodies of such men of the places aforesaid as shall be indicted before you of trespasses or felonies, as well as all such goods and chattels of any of them as shall for any reason whatever be taken into our hand you shall in the meanwhile deliver, receiving sufficient security, to our beloved and trusty Robert de Kendal, the Warden of the said Cinque Ports, or to William de Bernfield, his deputy.' Then, on October 26, the King sends another letter to the Justices, telling them that all business touching the men of Lydd and Dungeness is to be sent to him in Parliament on the morrow of All Souls, thus granting to the men of Lydd and Dungeness the full privilege of acknowledged members of the Cinque Ports. Upon the receipt of this letter, the Roll tells us, the Justices sent '*omnes evidencias tangentes Lyde et Ingemarys domino Regi*.' But again the King changes his mind. In a third letter<sup>2</sup> to the Justices he orders all business touching the barons of the Cinque Ports to be sent to him in Parliament, 'saving all matters that be before you touching the men of Lydd and Dungeness, with which our will is that you proceed as we have at other time given you in command.' But, though whether in consequence of the King's second letter or because they wanted to take what seemed to them, in the doubtful and changeable state of the King's mind, the safest course, is not clear, the Justices sent '*recordum et processus etc.*' to the King. Then the King writes to the Justices another letter, wherein he tells them that he is sending back the record, and bids them proceed in the matters without further delay, notwithstanding any previous orders he may have given them. Subsequently,

<sup>1</sup> *Calendar of Close Rolls*, 3 Edward II, p. 234.

<sup>2</sup> The date of this third letter is

given in E. R. as October 22; but it seems clear that either this date or the date of the second letter is incorrect.



as we know, Lydd and Dungeness were recognised, as members of the port of Romney, as being of the Cinque Ports.

This is not the only record of the lawlessness of the men of Lydd which the Eyre Roll contains. In recording the facts connected with a case of homicide the Roll adds: 'nothing as to "finder" nor as to neighbours, by reason of the opposition (*resistenciam*) of the men of Lydd, who would not allow any coroner to come amongst them to hold an inquest.' And again: 'Simon the son of Lovecock Tommy and Thomas his brother slew a certain stranger trader who was travelling from Winchelsea to Romney, and they carried his body to a certain place called Hollynstone, where it lay a long time, till the dogs tore it in pieces. Naught as to finder or neighbours, for the same reason as is set out above.' In connexion with these two records it should perhaps be noted, in fairness to the men of Lydd, that in the case of homicides and other deaths forming the subject of coroners' inquests no 'neighbours' were necessary within the liberty of the Cinque Ports. The '*resistencia*' of the men of Lydd may, therefore, have not been mere lawlessness, but the outcome of a determination to assert the rights they claimed to have when '*asserentes se esse de Libertate quinque portuum*.'

But besides the Cinque Ports there were other great 'liberties' in Kent. The greatest of these was the Abbot of Battle's liberty of Wye. Amongst the franchises which the Abbot claimed, and more than claimed—to which he established his right—was that of having a commission of a General Eyre for his own liberty. By a charter of Henry II, he said, it had been granted to him that whenever the King's Justices of Eyre came into Kent, one of them, at the discretion of the Chief Justice of the Eyre, should be sent to Wye, there, in conjunction with the Abbot's own steward, to hold all pleas touching the men of the liberty of Wye. King Edward II bade his Justices search the rolls of the last Eyre of Kent, and if they found that the Abbot's claim was well founded and had been previously recognised and allowed, then were they to detach one of themselves that he might go to Wye; and there, with the Abbot's steward, form a court for the trial of all matters touching the men of the liberty. The Abbot's claim was found to be a good one, and at the conclusion—so far as one can tell—of the Eyre of Kent, SPIGURNEL J. went to Wye. The roll of this miniature Eyre is still in existence. It is headed: '*Placita de Juratis et Assisis apud Wy in libertate Abbatis de Bello coram Henrico Spigurnel Justiciario domini Regis et Willelmo de Northo Senescallo dicti Abbatis Itinerantibus ibidem die Martis in crastino Nativitatis Sancti Johannis Baptiste anno regni Regis Edwardi filii Regis Edwardi septimo.*'

A similar claim to this was put forward by Gilbert de Clare, Earl of



Gloucester and Hereford in respect of his liberty of the Lowy of Tunbridge<sup>1</sup> and instructions were given by the King, as in the case of the Abbot of Battle's claim, to inquire into the matter, and to act according to ascertained precedent. We learn incidentally from a single record in the Eyre Roll that the Earl succeeded in substantiating his claim. No record of this subsidiary Eyre at Tunbridge seems to have survived. The record in the Kent Eyre Roll touching the matter is as follows: 'A presentment is made by the hundred of Wethelstone of a purpresture to the common detriment. Afterwards the jury testify that the place in which the aforesaid damage to the public has been done is within the Lowy of Tunbridge that is the liberty of the Earl of Gloucester etc. And because our lord the King addressed a letter to the Justices here ordering that all matters touching the said Lowy and liberty of the aforesaid Earl should be adjudicated upon within the liberty itself, nothing is done in the matter here etc.'<sup>2</sup> The Bishop of Rochester laid claim, so we gather from a report on p. 9, to a franchise similar to those claimed by the Abbot of Battle and the Earl of Gloucester and Hereford, but nothing more is heard of it.

The city of Canterbury claimed many ancient franchises. Our report<sup>3</sup> mentions only Infangthief, but from the record we find that, besides this, the city claimed to have the right of erecting gibbets, the view of frankpledge and all that pertains to such view, return of writs, as well within the city as in the suburbs thereof. They also claimed to have the custody of all persons taken within the city, and that they should not be called upon to plead, nor should they be impleaded, outside the walls of the city concerning any matter whatsoever, except such as touched tenures outside the city. And they further claimed to be quit of murder fines as well within the city as in the suburbs.<sup>4</sup>

<sup>1</sup> 'Round about the Towne of Tunbridge, lieth a territory, or compasse of ground, commonly called the *Lowy*, but written in the auncient Records and Histories *Leucata* or *Leuga*, and being (indeede) a *French League* of ground, which (as I finde in the Chronicles of *Normandie*) was allotted upon this occasion following.'—Lambard's *Perambulation of Kent*, p. 425 (edition of 1596). This extract is followed by a long history accounting for the origin of the 'Lowy' of Tunbridge, too long to be inserted here.

<sup>2</sup> 'Postea jurati testantur quod locus in quo predictum nocementum efficitur est infra Leucatam de Tunbrigge de libertate Comitis Gloucestrie etc. et quia dominus Rex mandavit per breve

suum Justiciariis hic quod omnia tangentia Leucatam predictam de libertate predicti comitis terminarentur infra libertatem predictam Ideo melius inde hic etc.'—E. R. m. 77 d.

<sup>3</sup> p. 130 *infra*.

<sup>4</sup> 'Jurati presentant quod cives Cantuarie tenent civitatem istam ad feodi firmam pro .lx. li. reddendis annuatim ad sectam domini Regis et clamant habere in eadem civitate Infangthief furcas visum francielegii et ea que ad visum pertinent returnum brevium tam infra predictam civitatem quam in suburbio et similiter clamant habere custodiam personarum captorum infra eandem civitatem. Clamant etiam quod non placeant nec impleantur extra muros civitatis Cantuarie de aliquo





STAUNTON J., during the course of the arguments,<sup>1</sup> makes some cryptic and puzzling observations which appear to be summarised in the words '*Comuna non est capax libertatis.*' This looks like some legal maxim, supposed to be generally known and acknowledged. But there is nothing to be found in any of the old authorities in support of any such doctrine; and such modern scholars as I have been able to consult can throw no light upon the point. Sir Frederick Pollock tells me that he strongly suspects a Continental origin, but no Continental clue has yet been found. The record, which is given below in a footnote, affords us no help; but it seems to have been ultimately held that franchises could be proved by prescription without writing.

One or two facts to be gathered from the Eyre Roll touching the topography of mediæval Canterbury may well be noted here. Somner says: 'The Wards of our city at this day are, as (I take it) they ever were, not more nor less than six in number.' But besides the six wards named by Somner, i.e. the wards of Westgate, Newingate, Northgate, Worthgate, Burgate and Ridlegate, the Eyre Roll speaks of the 'Warda de Wynchepe.' 'Aldermanneria de Westgate valet xij marcas per

placito nisi de tenuris fornsceis. Clamant etiam quod debent esse quieti de murdris tam in civitate quam in suburbio Nesciunt quo warranto. Ideo preceptum est vicecomiti quod venire faciat eos etc. Postea veniunt predicti cives etc. et quo ad returnum brevium et custodiam prisonum et similiter quod non placent nec implacentur extra civitatem etc. dicunt quod dominus Henricus Rex avus domini Regis qui nunc est concessit civibus suis Cantuarie quod ipsi et eorum heredes in perpetuum habeant returnum omnium brevium suorum civitatem Cantuarie et libertatem ejusdem civitatis tangentium tam infra suburbium quam infra civitatem. Et quod nullus ipsorum civium placitet aut implacitetur extra muros civitatis Cantuarie de ullo placito preterea placita de tenuris exterioribus et quod nullus de civitate vel portsoeca sua captus vel reftatus de aliquo crimine vel forisfacto pro quo debeat imprisonari imprisonetur alibi quam in prisona ejusdem civitatis nec alibi indicetur (*sic*) quam in civitate per cartam ipsius domini Henrici Regis et per confirmationem Edwardi Regis patris domini Regis nunc quas proferunt et que hoc testantur. Ideo ipsi quo ad hoc sine die salvo jure domini Regis etc. Et quo ad quietanciam murdri dicunt

quod dominus Henricus consanguineus domini Regis nunc concessit eis quietanciam murdri infra urbem et in Portsoeca per cartam ipsius Henrici Regis quam proferunt et que hoc testatur. Ideo ipsi quo ad hoc sine die etc. Et quo ad Infangenethei furcas visum franci plegii dicunt quod dominus Henricus Rex progenitor domini Regis nunc concessit civibus suis Cantuarie omnes libertates et liberas consuetudines quas habuerunt tempore Henrici Regis avi predicti domini Henrici Regis cum aliis libertatibus contentis in carta ipsius domini Henrici Regis quam proferunt et dicunt quod tempore domini Henrici Regis predicti et a tempore quo non exstat memoria habuerunt ipsi et omnes antecessores sui Infangenethei furcas et visum franci plegii in civitate predicta et eisdem libertatibus usi sunt. Et hoc petunt quod inquiretur. Et Jurati ad hoc electi dicunt super sacramentum suum quod predicti cives et omnes antecessores sui habuerunt Infangenethei furcas et visum franci plegii et eisdem libertatibus usi sunt a tempore quo non exstat memoria. Ideo predicti cives quo ad hoc sine die salvo jure domini Regis etc.—E. R. m. 65 d. See also *Calendar of Charter Rolls*, II, pp. 472-3.

<sup>1</sup> p. 131 *infra*.



annum' the Roll tells us. It mentions also a 'vicus de Throtinton in warda de Burgate,' of which Somner seems to know nothing, unless 'vicus de Throtinton' be the same as 'Through-hall-lane,' which Somner mentions as being in Burgate Ward.

### (18) OF PRISONS.

The prison system of the time is not very easy to understand. Leaving out of consideration that large number of people who at such times as the sitting of an Eyre were put under judgment and thereupon imprisoned till they either made fine with the King or gave sufficient security through pledges that they would do so—and these people probably gave their custodians not much trouble—we may say that prisons mainly existed for the purpose of keeping in safe ward accused persons awaiting their trial. There was, as we shall see presently, no margin between a capital offence and one that was considered to be sufficiently punished by detention within a prison for a week or two; and so few there were for whom any prison was necessary save for the time between arrest and trial. That the system was not an effective one the large number of prisoners that escaped makes clear; though it was to the interest of everyone concerned, the prisoner, and the King may be, alone excepted—for anything for which other folk could be put into mercy was always to the King's advantage—that it should be effective, for every escape had unpleasant consequences for somebody. There were different classes of prisons. There were the King's prisons, of which there were several in the county. There were the prisons of the lords of franchises, such as the Archbishop of Canterbury and the Prior of Christ Church, and there were the prisons of the hundreds, and of such liberties as the city of Canterbury. The broad distinction between the King's prisons and other prisons seems to have been that these latter were for the safe harbouring for one night only of prisoners that were to be taken on the following day to one of the King's prisons;<sup>1</sup> or, apparently, for the detention of convicted prisoners sentenced by a local court to a period of imprisonment not exceeding three days. This latter statement seems justified by the report of the case of Peter the Shipman.<sup>2</sup> The suitors of the hundred court of Middleton are put under judgment because they sent Peter to prison (*in libertate predicta*) for a longer term than three days. The criminal procedure of the time was so greatly a matter of custom merely, that we must not expect

<sup>1</sup> 'Si ville ou diseyne retienne un prisonn outre un nuyt qil soit maunde a la prison le roi ele est amerciable en

Eyre si le seignur neit garrant del roi.'—p. 106 *infra*.

<sup>2</sup> p. 79 *infra*.



to find definite statutory authority for much of the law as laid down and administered by the Justices. We must be contented with picking out, as best we can, from the reports and records what the customary law, as actually administered, was. A conspicuous example of this is the practice of amercing the town or parish where one committing a murder in the daytime was allowed to escape. The reports are full of instances of this, and yet Maitland tells us that it cannot be traced to any known act of legislation.<sup>1</sup>

A notable fact about the prison system of the time was the use of mills as prisons, in the county of Kent certainly, and probably elsewhere; for 'as fast as a thief in a mill' is a proverbial simile, in Yorkshire, at any rate.

When we get the locality of any prison mentioned in the reports or records, and such prison is not one of the King's prisons at Canterbury or Maidstone or elsewhere, or one of the Archbishop's at Lyminge or elsewhere, or some other manorial prison as that attached to the manor of Kemesyng, we oftener than not find it described as a mill. Millers even hold their mills by the serjeanty of guarding prisoners.<sup>2</sup> Women, equally with men, were committed to their custody. The Eyre Roll records the case of a woman condemned to death, and found to be pregnant. She was committed to the custody of three male millers—their names are given in the Roll—till such time as she should be delivered of her child. This particular woman, however, contrived to escape; and she sought sanctuary and abjured the realm. Even one of the King's prisons, the Eyre Roll tells us, was a mill, Luth Mill.<sup>3</sup> It was to the mill in the same hundred which the Roll calls Suth Mill that Peter the Shipman was sent by the suitors of the hundred court of Middleton for fifteen days—our report on p. 79 says for a month, but the Eyre Roll is a safer authority, and the Eyre Roll says for fifteen days. This mill, the record tells us, was held by Henry Pyne-wygel and Robert his brother, Isolde de Ores, John the son of Stephen at Ford and Robert his brother, and Sibilla at Droke '*per servitium custodiendi prisiones captos in hundredo isto.*' Their treatment of Peter may well be narrated here on the authority of the Eyre Roll. It will be remembered that the maximum time for which the Court could send Peter to this local prison was three days, and that they did

<sup>1</sup> *Pleas of the Crown for the County of Gloucester*, p. 147. It was not till the passing of 3 Henry VII, c. 1 that this general custom of the Courts seems to have had any statutory warrant.

<sup>2</sup> See p. 147, *infra*; cf. also p. 82, where it is said that a prisoner was delivered into the custody of six men

'qui terras tenent ad faciendam executionem.'

<sup>3</sup> 'Ricardus de Skymollere' is imprisoned 'in molendino de Suthmilne quod quidem molendinum est prisona domini Regis in hundredo isto,' *sc.* de Middleton.—E. R. *m.* 57.



send him there for only fifteen. The record tells us that the mill-gaolers kept him in fetters for eight weeks; and how much longer they meant to keep him we cannot tell, for at the end of eight weeks Peter managed to make his escape and fled, and we hear no more of him.<sup>1</sup> The suitors are put under judgment for their sentence of fifteen days and for this 'and other wrongdoings' make fine in the sum of ten marks. No punishment appears to be meted out to the millers for their treatment of Peter, beyond their being put under judgment for his escape. Peter at any rate seems not to have lacked justification for his action. One would like to know what would have been the result of a reasoned argument on his part if he had had the misfortune to be recaptured. But he was certainly wise to afford no opportunity for one.

The King's prison of South Mill seems to have been held by the same company of people by the same serjeanty as was Luthmill. What the report actually says is that it was held by 'Isolde de Ores and many others.' As another report tells us that two mills in a hundred that is obviously the hundred of Middleton were held by one and the same company of millers by the serjeanty of guarding prisoners<sup>2</sup> it seems certain that the 'many others' refers to Isolde's five partners.

But besides these two prisons there was certainly yet a third within the hundred of Middleton which was likewise a mill, as we gather from a record in the Eyre Roll which I translate here for the light it throws on the customs of the time. One Augustine was taken 'to the mill at Green being the prison of that same hundred and there he remained in the custody of the township of Chatham for nine days and more, until Richard Coke of Green took the aforesaid Augustine against the will of the said custodians from out the said prison and allowed him to go away.'<sup>3</sup> The jury inquiring into this matter found that Richard had the custody of Augustine, and was bribed by him to let him escape.

### (19) OF PRISONERS ESCAPING.

The escape of a prisoner, imprisoned upon a formulated charge of felony, had for its inevitable consequence the putting under judgment by the Justices of somebody or other. In the case of an escape from

<sup>1</sup> 'Qui custodes ipsum tenuerunt per octo septimanas sequentes in cippis et postea idem Petrus a cippis illis et a custodia eorumdem evasit.'—E. R. m. 56.

<sup>2</sup> 'Illi custodes tenuerunt duos molendinos per serjanciam ad custodiendum prisiones.'—p. 147, *infra*.

<sup>3</sup> 'ductus ad molendinum de Green

tanquam ad prisonam ejusdem hundredi (sc. Middleton) et ibi custoditus per villatum de Chatham per novem dies et amplius quousque Ricardus Coke de Green cepit predictum Augustinum contra voluntatem dictorum custodum de eadem prisona et ipsum abire permisit. —E. R. m. xj. d.





one of the King's prisons the Sheriff as a rule seems to have been held responsible. If the Sheriff during whose term of office the escape was made were dead, the liability to pay the amercement seems to have followed his lands. In the Roll is recorded<sup>1</sup> an escape during the shrievalty of a deceased Sheriff; and for this escape the Court put under judgment three persons '*tenentes terras de predicto H. de A.*' An exception to the Sheriff's responsibility for an escape from one of the King's prisons seems to have been where persons held their lands by the serjeanty of guarding prisoners in a King's prison. Richard Skymollere escapes from the prison of South Mill, 'which is a prison of our lord the King in the hundred of Middleton'; and because this prison is in the hands of certain named people to whom the safe-keeping of prisoners imprisoned in that mill pertains, therefore those said persons are put under judgment for the escape. Now we know that these particular people, Iselde de Ores and others, held the mill by the serjeanty of keeping prisoners therein. If the escape be from a prison of the Archbishop, then the Archbishop is responsible, or, he being dead, his executors.<sup>2</sup> For an escape from the prison of the Prior of Christ Church the Prior is made responsible.<sup>3</sup> This is all plain and reasonable enough. But what happens in the case of an escape from what one may call a local prison, a prison that is neither a King's prison nor a prison of one of the great lords? For an escape from the city prison at Canterbury the bailiff seems to have been responsible.<sup>4</sup> But the duty of guarding prisoners in local prisons, that is to say in prisons that are not King's prisons nor manorial prisons nor the prisons of considerable cities like Canterbury, seems to lie with the men of the neighbourhood where the prisoner is arrested, and it is they who are responsible should the prisoner escape. We are told in our reports of a '*tota borghia*' being held responsible for the escape of a prisoner; and in the Roll we have instances of this or that township being held similarly responsible. Sometimes the whole hundred was held responsible. If the '*custos*' of a gaol that was primarily responsible for the escape of a prisoner were a pauper, and consequently could not be amerced '*ad commodum regis*,' the responsibility was in such case transferred to the whole hundred.<sup>5</sup> The word '*custos*' in our reports may, apparently, describe anyone from the Archbishop of Canterbury or the Sheriff downwards that is responsible for the safe ward of imprisoned persons. What seems a particularly hard case is reported on a later page of this volume.<sup>6</sup> Certain men had been committed to prison in

<sup>1</sup> E. R. m. 63.

<sup>2</sup> See p. 66 *infra*.

<sup>3</sup> p. 68 *infra*.

<sup>4</sup> p. 81 *infra*.

<sup>5</sup> See p. 94 *infra*.

<sup>6</sup> p. 81 *infra*.



Canterbury for homicide. The King, who was then fighting in Gascony, had sent his letters to the bailiffs of the city bidding them send these men to him, and the bailiffs sent them. The Justices come to Canterbury and want to know where these men are. But the bailiffs who had the King's letters are dead, and the bailiffs that now are have no letters to show. So there must be judgment of escape. Exactly against whom, the report does not certainly show.

If a man were in prison on a charge of misdemeanour (*transgressio*) only there was no technical escape if he broke prison.<sup>1</sup> Nor was there, apparently, even if he were there for the commission of felonies, but had not been formally indicted for these.<sup>2</sup>

It was the coroner's duty to record any case of prison-breaking and escape by one charged with felony; and this record was sufficient to hang any such escaping prisoner without further ceremony if he should be afterwards caught.<sup>3</sup>

Did the subsequent abjuration of an escaped prisoner, formally recorded by the coroner in his roll, relieve from judgment and consequent penalty, those who, in the absence of such formally recorded abjuration, would have been penally responsible for such escape? There is a case reported on p. 109 of this volume which seems to show that it did. A woman was in the custody of the tithing-man, and so, constructively, was in prison. She escaped from his custody and fled to a church. The Justices rule this to be an escape because they could find nothing recorded in the coroner's roll to show that she had made abjuration; the inference being that, if they had found any such record, there would have been no technical escape. There is another case reported on p. 88, though, indeed, it is possible that this report refers to the case just quoted—from which the same inference seems to follow. Here, because no receivable evidence is forthcoming as to any abjuration made by a fugitive felon, the Court rules an escape. '*Ideo adjudicatur evasio.*' It is true that we are not specifically told that this man was ever in prison, but he must have been actually or constructively there, or there could have been no question of a technical escape. Again on pp. 129-30 we have another similar case reported—if this report, too, be not merely a variant of the others. 'Since we can find no record of the abjuration which you allege,' says the Court to the protesting suitors, 'we rule that this is an escape.'<sup>4</sup> But against all this must be set the case of Robert Battle reported on p. 68. Robert escaped from the prison of the Prior of Christ Church at Canterbury,

<sup>1</sup> See p. 87 *infra*.

<sup>2</sup> See the case of one John, p. 164 *infra*.

<sup>3</sup> See p. 80 *infra*.

<sup>4</sup> Cf. also a curious case of double escape on p. 94 *infra*.



'and so to judgment of the Prior for the escape of the said Robert. And the aforesaid R. after so escaping took sanctuary in the church at Littlebourne and there did abjure the realm before the King's coroner.' There is one point about this case which may possibly make it consistent with the rulings in the other cases referred to. Was Robert's abjuration made subsequently to the judgment of escape? And, if it were, could the Prior, one wonders, have got such judgment reversed upon producing the coroner's roll? The case of P. of Ravensbourne (p. 69) seems precisely similar to that of Robert Battle. A man might 'escape' even after he had made abjuration before the coroner, and the whole town would thereby become amerçiable;<sup>1</sup> which seems hard upon the town, as it could have been in no way to blame for such an escape. There was no duty cast upon the townspeople to escort an abjurator to the sea. Sometimes, indeed, a wary man of the neighbourhood does seem to have kept an eye on an abjurator on his march towards the coast. I will quote here the tragic story of one John of the hundred of Manshead in the county of Bedfordshire, as told on p. 37 of the *Select Cases from the Coroners' Rolls*.<sup>2</sup>

'On the same day [of his abjuration] he came forth [from sanctuary] and proceeded on his way [towards Dover]. He fled from the highway, and was followed by William of Houghton, and on the hue and suit of the whole vill he was beheaded by the township of Houghton.'

If an escaping prisoner were caught before he had been lost to view, there was no technical escape.<sup>3</sup> There is a somewhat out-of-the-way instance of escape noted on p. 80, of a secondary interest, too, as disclosing a somewhat remarkable custom of the gaolers of the time. A certain Adam 'was taken for petty larcenies committed within the hundred of Middleton; and the keeper of the prison granted him licence to go to a certain town and to return therefrom; but the said Adam went to another town outside the limits of the hundred, and there was found vagabond.' The jury found that he intended to escape, 'and so judgment of escape.' One would like to know what happened to Adam for an offence of this kind, but this is not discoverable from the Roll.

## (20) OF PUNISHMENTS.

Some reference to the scale—or want of scale—of punishment has already been made. There seems to have been no margin at all between

<sup>1</sup> See NOTE on p. 134 *infra*. See also a 'nota de celui qi forjura' etc. on p. 102.

<sup>2</sup> Edited by Dr. Gross for the Selden Society.

<sup>3</sup> See p. 134 *infra*.



a felony for which imprisonment for two or three weeks was considered by the Justices to be an adequate punishment, and one which entailed hanging. It was entirely a matter of arithmetic. If a man stole at several times small sums of money amounting in the whole to a shilling, and was convicted thereof, he was hanged.<sup>1</sup> If two or three people jointly stole to the value of a shilling they were hanged. There is an actual case recorded on the Roll where a man and his daughter were both hanged for jointly stealing fifteenpennyworth of barley.<sup>2</sup> Compare with these facts the case recorded in the Roll<sup>3</sup> of a man who stole from one house and at one time a cheese and money to the total value of elevenpence. He does not appear, and is not even put in exigent, '*pro parvitate latrocinii*.' '*Pro parvitate latrocinii!*' And yet a penny more would have hanged him! Humphrey, the son of Leonard, stole a sheep of the value of eightpence. He does not come, and he, too, is not put in exigent, '*pro parvitate latrocinii*.' The Courts learned to take other views of sheep-stealing in later ages. If Humphrey had been before the Court, and the jury had found him guilty, he would probably have been sent to gaol for a fortnight, or even for a shorter time. Forgery seems to have been considered but a small offence. The Roll records the case of a man who forged a charter purporting to be a conveyance of lands by a deceased woman, upon the strength of which an action of novel disseisin had been brought. Yet he is only fined a mark.

Insane murderers were dealt with pretty much as we deal with them now. A jury, to take an actual instance, finds that one Geoffrey '*tanquam demens et furiosus occidit predictum J. et non per feloniam*,' and so he must remain in prison during the King's pleasure—*remaneat ad gratiam Regis*.<sup>4</sup> That it was done in self-defence is a frequent answer to a charge of homicide. If a jury consider such defence to be well established they bring in a verdict after a special form, declaring that in no other way could the accused man have escaped with his life. A man, so exonerated, is then remitted to prison to await the King's pardon. The procedure then followed was this. A copy of the record is sent to the King, accompanied by a petition. The *Parliament Rolls* preserve for us the text of such a petition. After stating that a copy

<sup>1</sup> p. 82 *infra*.

<sup>2</sup> E. R. m. 21 d. See also p. 90 *infra*.

<sup>3</sup> E. R. m. 35.

<sup>4</sup> 'Jurati presentant quod Robertus filius Thome de Lynaere furatus fuit ad d. cum Nicholai de Bere unum vestem pœon m. d. et de bursis famularum ipsius Nicholai vij. d. et manens

est in patria. Ideo capiatur. Postea vicecomes testatur quod non est inventus set subtraxit se set non ponitur in exigendo pro parvitate latrocinii.' E. R. m. 35.

<sup>5</sup> E. R. m. 7 d.

<sup>6</sup> E. R. m. xij. d.





of the record was sent therewith, the petitioner proceeds: 'And so the said Roger that is a pauper and that hath no goods at all prayeth our Lord the King that he will, for God's sake, forgo his suit against him, provided that the said Roger shall justify himself if any other shall appeal him in respect of these matters.'<sup>1</sup> This latter proviso refers to the right reserved to the widow of a man that was slain, or, in default of such widow, to any near blood-relation, to appeal the slayer for his death. The form of the King's reply to such a petition as this is given to us on p. 139 of this volume. 'Edward, by the grace of God etc. Seeing that we have learned from the record of our beloved . . . that John White who was taken and detained in the said gaol on suspicion of having caused the death of John Bunter, slew the said John Bunter in self-defence, as the only means by which he himself might escape death, and not feloniously nor of malice aforethought, We, moved thereto by compassion, have pardoned to the said John White the suit of our peace to us appurtenant to the said death, and our firm peace we concede to him provided always that he justify etc.' And then the report goes on: 'And seeing that the aforesaid E. the King pardoned to him the suit of his peace etc., solemn proclamation is now made that if any there be who will make suit against him for the said death, let him now come forward. And none there is to bring suit. So firm peace is granted to him.' Our scribe concludes by bidding us note that every clerk shall have a pair of gloves, and the chief clerks two shillings, and the marshals two shillings for proclaiming John White's peace. He would have satisfied a not unnatural piece of curiosity if he had told us also who paid for these gloves and provided these shillings. It seems unlikely that John White could have done so, seeing that his chattels, that were assessed at the value of but five and twenty shillings, had been confiscated. It seems equally unlikely that anyone else would have done so. And yet, apparently, one or other of these two improbabilities must have happened. The King's grace, however, must not be taken too much as a matter of course, as a certain Sheriff found to his cost. One Ralph, the Roll tells us, was remitted to gaol to await the King's grace for slaying a man *se defendendo*. The Sheriff 'ipsum extra prisonam dimisit vagare per patriam sine custodia.' The Justices order Ralph to be arrested and sent back to gaol, and the Sheriff has to make fine in the heavy sum of twenty pounds.<sup>2</sup>

<sup>1</sup> 'Et ideo petit dictus Rogerus, qui pauper est et nichil habet in bonis, quod dominus Rex velit pro Deo condonare ei sectam suam; Ita quod stetit recto

si quis versus eum inde loqui voluerit.' *Rot. Parl.* i. p. 65.

<sup>2</sup> *E. R. m.* 55.



## (21) A NOTE TOUCHING ABJURATION.

A puzzling question arises in connexion with the custom of abjuration. Men and women must have been continually arriving at Dover and other ports, in theory, at any rate, and probably in practice; for, as we have seen, it was dangerous to turn aside from the high road. What did they do when they got there? The oath they took upon making their abjuration tells us what they ought to have done.<sup>1</sup> This was, to put it shortly, to get themselves across the sea within forty days, or, failing this, to put themselves into Church again as robbers and felons. This latter course, so far as we can gather from our records, they certainly did not take. It seems difficult to believe that any but an exceptional few could find means of transport. They had no money, and could not buy a passage. They could not all work their passage across; and least of all the women. What became of them? Were their crimes considered to be sufficiently atoned for by the confiscation of all they were worth—if anything at all they were worth—by the tramp to the port assigned to them, and a sojourn there of some indefinite period; and, these conditions being fulfilled, was their continued presence in the country ignored? It seems as though something of this kind must have happened.

## (22) OF THE PLEADING OF PRIVILEGE OF CLERGY.

Some highly technical questions as to the privilege of clergy and how and when it may be pleaded arise in cases reported in this volume. The general law on the matter at the time of this Eyre was this. Clergy must be claimed after indictment and upon arraignment.<sup>2</sup> If the claim were allowed, the Court held what was called an Inquest of Office

<sup>1</sup> 'This hear thou, Sir Coroner, that I M. of H. am a robber of sheep, or of any other beast, or a murderer of one or more, and a felon of our lord the King of England, and because I have done many such evils or robberies in this land I do abjure the land of our lord Edward King of England, and I shall haste me towards the port of such a place which thou hast given me, and that I shall not go out of the highway, and if I do I will that I be taken as a robber and a felon of our lord the King; and if I visit such a place I will diligently seek for passage, and that I will tarry there but one flood and ebb if I can

have passage, and unless I can have it within such a space I will go every day into the sea up to my knees assaying to pass over, and unless I can do this within forty days I will put myself again into the Church as a robber and a felon of our lord the King. So God help me etc.' *Statutes of the Realm*, i. 250.

<sup>2</sup> 'The time of claiming clergy could not be till after Indictment, and upon Arraignment to have a Judge to allow and deliver the offender, as *Westm. L. cap. 2* speaks, and so *Bracton* writ.'—*Hobart's Reports* (*Neale v. Williams*), p. 288 (edition of 1724).



to determine after what sort the clerk should be delivered to the Ordinary, whether as a convicted clerk or how. Such, at least, was the official theory of the Inquest, but HOBART C.J. tells us<sup>1</sup> that in reality it was an invention of the law to get the clerk's goods; for if the jury found that he should be delivered to the Ordinary as a convicted clerk his goods were confiscated to the King. Such a clerk must be confined in an ecclesiastical prison till he had duly performed his purgation. Clerks delivered after conviction under 25 Edward III. c. 2—and before this Statute they could not be delivered at all if they had not been claimed before conviction<sup>2</sup>—were not capable of purgation. They must be kept in prison *in perpetuum*, unless they were allowed to purchase the King's pardon. Certain technical formalities had to be observed in claiming clergy. The accused man must be dressed as a clerk, and must bear the tonsure.<sup>3</sup> If he were dressed as a layman and could not show the tonsure there was an end of the matter. If, however, in these respects no objection could be taken against him, he must yet be claimed by his Ordinary—that is by the Bishop or Archbishop<sup>4</sup>—or by somebody duly commissioned by his Ordinary to claim him; and not only to claim him, but to receive him. An omission to give this latter power seems to have invalidated the whole commission. Further than this, the commission must set out for what cause the accused clerk was arraigned, whether for felony or robbery or what else.<sup>5</sup> If the claim to clergy were in the end allowed, then the Inquest of Office followed; and if this resulted in the clerk being delivered as a 'convicted clerk,' his goods were confiscated, and the clerk himself was handed over to his Ordinary or his Ordinary's deputy, to be imprisoned till he had duly performed his purgation.<sup>6</sup> SPIGURNEL J. held that a clerk that was a

<sup>1</sup> See *Hobart's Reports*, p. 228 (fifth edition).

<sup>2</sup> Of this we have an instance in John Folejaube's case, reported on p. 154 *infra*.

<sup>3</sup> 'Home arraine de felonye. SCOR luy demanda coment il voile estre acquite et il dit que il fuit clerke & pria cco &c. SCOR. vous estes vestu en robbe de lay issint a traverser, auxi vous naues tonsure, par que voylez auter chose dire.'—Fitzherbert, *Corone*, 233.

*Corona* properly designated the circle of hair left on the priest's head by the tonsure. 'Fit corona ex rasura in summitate capitis, et tonsione capillorum in parte capitis inferiore, et sic circulus capillorum proprie dicitur corona.'—Lyndwood.

<sup>4</sup> See *dictum* of BEREFORD C.J. on p. 123.

<sup>5</sup> P. 123 *infra*.

<sup>6</sup> For the general procedure in Purgation, see Stamford's *Plees del Corone*, lib. 2, cc. 48 and 49:

'Yet before I pass to the next, be pleased that I set before you the forme of a *Proclamation* used to be sent out and published before purgation, as I met it in an old manuscript booke in my keeping, intituled

*Litera proclinatoria seu citatoria quorum interest.*

W. Permissioe divina Conventualis ecclesie Westm' Abbas humilis discreto viro Decano de B. salutem & mutuum in Domino charitatis affectum. Instat apud nos W. de A. clericus super crimine homicidii per ipsam (ut imponitur) in villa de B. perpetrati, in Curia laicali



common thief could never purge himself.<sup>1</sup> A convicted clerk that was likewise a monk could never purge himself.<sup>2</sup> There is reported on p. 154 the case of a clerk that broke into a church and carried away a 'chalice etc.' ORMESBY J. held that such a clerk was a traitor to Holy Church and, as such, had forfeited his privilege; but, '*hoc non obstante*,' the report goes on, 'the Ordinary had him, and in such a case the King will have the stolen goods.'

A clerk who had abjured the realm and subsequently returned thereto without licence might plead his clergy to the extent of avoiding the death-penalty to which he had rendered himself liable, but such an one was not delivered to his Ordinary, but confined within the King's prison until he could purchase the King's pardon for returning without licence. 'With the King's grace,' said BOURS J., 'you shall be delivered to the Ordinary, but without it all the days of your life will you remain in prison.' On p. 86 we have reported the case of a clerk who had been delivered to his Ordinary and, while confined in the Bishop's prison, had killed his warder and escaped. He was recaptured and, notwithstanding that he was a clerk, was hanged; and the reason given is *quia qui in legem committit frustra invocat legis auxilium*, that is to say, apparently, that if a clerk escape from the bishop's prison he is stopped from claiming to be sent back to it.

Could a clerk plead to the facts, and also plead his clergy alternatively? Or, in the language of the time, could he say he was not guilty and put himself on the country, and yet, at the same time, reserve

eorum non suo iudice, de facto dampnatus, nobis-que adjudicandus secundum libertates ecclesiasticas liberatus, & carceri nostro, prout motis est, vinculis mancipatus, ut sibi ob ecclesiasticæ libertatis honorem, paternæ sollicitudinis officio assistentes, ipsius clerici purgationem super imposito sibi crimine canonice recipere dignemur. Volentes igitur dicto clerico in sua justa petitione, quatenus cum iustitia poterimus nostri obsequii debitum impartiri, ceterisque prout interest, plenam et celerem exhibere iustitiam in hac parte: discretionem vestram sub mutua vicissitudine obtentu requirimus & rogamus in juris subsidium, quatenus tribus diebus dominicis proximis post receptionem presentium, in ecclesiis de B. & C. aliis conveniis publicis & solemniter denunciatis seu denunciari fueritis, si qui contra clerici hunc super favore memorato processum, seu aliter procedere voluerint, contra eundem, seu reclamare quomi-

nus ipsius purgationem in forma juris admittere, & ad ejus liberationem procedere non debeamus, coram nobis vel Commissario nostro compareant in ecclesia nostra Conventuali Westm' proximo die Juridico post festum O.S. proposituri & ostensuri in forma canonica causas siquas habebant quare dictam purgationem ejusdem W. super dicto crimine (ut præmittitur) diffamati in forma juris admittere, & ad ejus liberationem procedere non debeamus, ac etiam audituri & facturi in præmissis quod juris fuerit, & consonum rationi, alioquin in dicto negotio procedetur quatenus de jure poterit & debet, eorum absentia non obstante qualiter autem, &c.'

(Somner's *Antiquities of Canterbury* (1703), Appendix, p. 53.

<sup>1</sup> Fitzherbert, *Corone*, 247.

<sup>2</sup> See p. 83. *infra*.

<sup>3</sup> Fitzherbert, *Corone*, 155.





his clergy? This is a question which one would have thought would have passed beyond the range of argument by the time of our reports and have got itself clearly settled one way or the other. But that there was no certain ruling on the matter, allowed and followed by all the Justices, seems clear from cases reported in this volume. In Felicia Gervaise's appeal (p. 101) Richard, one of the appellees, pleads to the facts, and then reserves his clergy, and the Court, apparently, makes no objection to his doing so. In Alice Taylor's appeal (p. 123) William Asshendon took the same course, pleading to the facts, yet reserving his clergy. But the version on p. 115 must be compared with this. There BEREFORD C.J. says 'What is the use of your asking to have the writ read when you tell us that you are a clerk, and cannot answer without your Ordinaries?' Upon this, we read, William relinquished his claim to clergy, and defended the case on the merits. This seems to amount to a refusal by the Court to allow him to defend on the merits unless he withdrew the plea of clergy. Afterwards, in the same case, John pleads not guilty, and at the same time reserves his clergy. But BEREFORD C.J. will have no such alternative pleas. John's counsel argues that the two pleas are quite compatible with each other; for, he says, if the Ordinaries come and claim him, you will yet try him to certify yourselves as to after what sort you should deliver him, and so to plead clergy is not to stultify his plea of not guilty. 'But the Inquest of Office is a very special form of procedure,' the Judge replies. And, though in our highly compressed report the argument is not very clear, one gathers that he means that this Inquest is not a solemn trial between party and party, but a more or less private investigation for the Court's own information, where some lapse from strict theoretical procedure may be permitted. If such an inquiry were to be made at all—and HOBART C.J. has told us why it was made—the alternative pleading must necessarily be admitted.

In Alice Taylor's second appeal (p. 123) Alan Horsham pleads not guilty and reserves his clergy; but BEREFORD C.J. will have none of this; and because Alan will not confine himself to one plea he is treated as though he refused to plead at all, and is committed to his penance. On p. 112 we have the case of a clerk pleading both a charter of pardon and his clergy. But SPIGURNEL J. tells him that he must choose between one and the other; and because he will not, he, too, is sent to his penance. What we may take to be the correct procedure in such cases is neatly and clearly set out in the case of Walter Tyke on p. 149 *infra*.

If a plea of clergy was raised in a hundred or franchise court, the jurisdiction of the suitors was apparently ousted. All they could do



was to remit the accused man to the King's prison till a court of record such as a commission of Gaol Delivery or a General Eyre, competent to deal with such a plea, came within the county.<sup>1</sup>

Before leaving this subject it may be noted that if an Ordinary claimed as a clerk one who turned out to be no clerk, all the lay fee of such Ordinary was taken into the King's hand.<sup>2</sup>

### (23) OF DEODANDS.

Some nice questions must have arisen as to what was and what was not 'deodand.' The broad rule was that that which was the immediate agent in bringing about a man's violent death was properly deodand. But what was the immediate agent must sometimes have been open to much argument, though we never got these arguments reproduced for our instruction. Sometimes it is necessary to go back two steps, and to confiscate as deodand both immediate and secondary agents. A man falls into a vessel of boiling water and is scalded to death. Here it is the vessel that is deodand. But if a pig overturns a vessel of boiling water over a little lad and the lad is so scalded that he dies, both the pig and the vessel are deodand. So again, a man is felling a tree. The tree, in its fall, strikes against another tree, and breaks off a branch from it. This branch falls upon the man, and kills him. In this case both the whole of the first tree and the branch of the second tree are deodand. A man stands on the wheel of his cart to gather berries from a tall bush. He slips, falls, and is killed. Here the wheel upon which he stood, and this wheel only, is deodand. And the reason for this, we are told, is that the horse and cart remained perfectly stationary, and so were in no way contributory to the man's death. A house falls upon a woman and kills her. The house, valued at twelvepence, is deodand. A wall falls upon a man and kills him. Nothing is said in the record as to the value of the wall, so we may suppose that there was no deodand; possibly for the reason that the wall had no assessable value. The value of the deodand was assessed by a jury—we find juries amerced for false valuation of deodands—and the assessed value had to be accounted for to the Exchequer. The usual custom was to devote the moneys so obtained to some pious or religious use. There is an order of the King to the Justices of our Kent Eyre directing that Adam of Osgodby, the keeper of the house of *Conversi* in London shall have the King's alms called deodands from their Eyre, in aid of the repair and maintenance of the buildings of the *Conversi* and the maintenance of the *Conversi* themselves.<sup>3</sup>

<sup>1</sup> See case on p. 148.

<sup>2</sup> See p. 86.

<sup>3</sup> See *Calendar of Close Rolls*, April 1, 1314.



(24) OF SCOLAND v. GRANDISON AND SOME OTHER CASES REPORTED  
HEREAFTER.

The important case<sup>1</sup> of Attaint—*Scoland v. Grandison*—reported at great length in this volume is of much interest. It is the last and decisive action of the three which were fought between the two principal parties. The material facts which led up to it were these. Geoffrey Scoland, who was the uncle of Frank Scoland who brought this writ of Attaint, enfeoffed Richard Scoland with certain lands in tail male, with reversion, in failure of heirs of Richard's body, to himself, Geoffrey, and the heirs of his body. Then there are proposals that Richard should marry Roesia, Geoffrey's daughter. Richard seems to have declined to marry Roesia unless her father would release to him the annual rent of twenty marks with which the lands were charged, and would further release to him and the heirs of his body all his, Geoffrey's, right in the same lands. It is upon the question whether Geoffrey did or did not make such a quitclaim to Richard that the whole matter turns. Richard certainly married Roesia, and died without heir. If Geoffrey had really quitclaimed to Richard, then, upon Richard's death without heir of his body, the lands escheated to Sir William Grandison as chief lord. If Geoffrey had not quitclaimed, then the lands reverted, according to the form of the gift, to the heir of Geoffrey's body, and that heir was Frank Scoland. All this was admitted by both sides. Frank at once, upon Richard's death, enters upon the land, and, by so doing, disseises Sir William Grandison, according to the facts as Sir William declares them to be. He, Sir William, accordingly brings an action of Novel Disseisin against Frank Scoland, and the jury find in his favour, restoring to him the seisin of the contested lands, and giving him certain damages as well. Scoland now brings an action of Formedon against Sir W. Grandison, based upon the same facts, claiming the lands in question by the terms of Geoffrey's gift to Richard.<sup>1</sup> Grandison's defence to this is to plead the verdict in the previous action as an absolute bar to Frank Scoland's present action. To this Scoland's counsel say, in effect, that a writ of Formedon is a writ of right of the ancient law, and they 'ask judgment whether a verdict of an assize of Novel Disseisin, that is of so low a nature, can bar us from our action upon this writ, which is of so high a one.'<sup>2</sup> After long arguments the case is adjourned for judgment, and then

<sup>1</sup> Full reports of this action of Formedon will be included in the second volume of the proceedings of this Eyre of Kent.

<sup>2</sup> 'Demandons jugement si par un

verdit d'une assise de novel disseisin q'est di si bas nature nous deivent barrer d'accion en cesti brei q'est si haut.'



Frank is nonsuited. The reasons for the judgment are not reported, but it seems probable that the technical point of the previous verdict acting as a bar to the later action was the point on which the judgment was based. Frank now applies to the Justices for leave to bring an Attaint and to have a jury awarded to try it. An Attaint was no everyday matter. Twenty-four Knights were sworn of the jury. Not only were the litigating parties affected by their verdict, but the jurors of the previous petty assize were on their trial on what amounted to a charge of perjury. Their position in this respect seems to have been a particularly hard one. Though their verdict may have been honestly returned to the best of their judgment, yet if, through the production of further evidence, the jury of the twenty-four Knights should reverse that verdict, they were treated as though they had wilfully and deliberately forsworn themselves. An Attaint could not be had as a matter of course. It was a matter for argument before the Court whether in any particular set of circumstances one could rightly be awarded or not. This lay in the judgment of the Court. Sir William Grandison's counsel at once takes the objection that all the jury of the petty assize are not present. It would not be fair, he says, to award this jury, a jury which will try them, in the absence of any of them, for you cannot tell what they may have to say in defence of their verdict. But SPIGURNEL J. will have none of this. 'What could the jury say if they were here,' he asks, 'except that they had made true oath?' Other technical objections are taken, including the interesting one that the original judgment of the petty assize has not been executed in full. The damages awarded by it to Grandison had not been paid. This, it seems, would have been a fatal objection if it could not have been met by payment of the damages in Court. Scoland had probably anticipated this objection, for he had come prepared with the necessary money, £15: a much larger sum in those days than he would have been likely to have in his pocket, except in anticipation of its being needed. Beaten off on this point again, Sir William's counsel takes yet other points. Objections are raised as to the absence of certain names from the writ, and long arguments arise thereon which cannot be intelligibly summarised, but must be studied in the text. When these objections are disposed of, Sir William's counsel and the counsel for the jury of the petty assize go out of Court to imparl. They come back with a final objection to the awarding of a jury. Under the writ, says Sir William's counsel, the jury of twenty-four could do nothing more, if awarded, than simply confirm or simply reverse the verdict of the original jury. But the plaint is laid in quite different fashion, to wit 'that the jury made false oath inasmuch as they found





that G. had quitclaimed to Richard etc., and had laid the damages at so much, and had found that Richard held of William. Now all this does not go to the general issue, but merely to particular matters which were put forward in evidence during the hearing'; and he argues that upon a plaint like this, which does not go to the general issue, nor to attainting the original jury on the general issue, a jury should not be awarded. Counsel on the other side replies that to plead the falsity of the particular matters upon which the previous judgment was based is, in fact, to plead the general issue. SPIGURNEL J. appears to agree with this; and STAUNTON J. tells Sir William's counsel that, if they cannot find anything else than this to say, the jury will be awarded. 'And they did not know what else to say further than what they had already said,' says our reporter. And so the jury was awarded. Of the arguments addressed to this jury, and of the reasons on which it based its verdict, we are, to our disappointment, told not one word. All we are told is that they 'came and said that the twelve had made false oath in finding that G. had made a quitclaim to Richard; the truth being that he never had made one. That they had made true oath in finding that Richard had done homage to William Grandison; and that they had made false oath in the matter of damages, there being no damage at all, as the value of the land had been increased and not diminished.' And so the Court decrees that Frank recover the seisin he sought to recover, and damages as set out in the judgment. William is put into mercy. The jurors of the petty assize—or the nine survivors of them—are severely dealt with, as is set forth in our reports. From which we note the double action of Attaint in both reversing a previous judgment and in punishing the jurors upon whose verdict that previous judgment was founded.

The appeal brought by Alice Taylor for robbery<sup>1</sup> presents a point of difficulty. According to the law of the time it seems quite clear that woman could not bring an appeal for robbery. Robbery does not come within the exceptional cases in which an appeal was allowed to a woman.<sup>2</sup> Of course the point is taken by defending counsel, Spigurnel; who, by the way, for the most part appears in our reports as one of the Justices of the Eyre of Kent. 'A woman cannot prosecute an appeal against a man,' he says, 'except in one of three cases, that is to say, for the death of her husband, or for her child slain within her womb,' or

<sup>1</sup> Reported on pp. 114-121 *infra*.

<sup>2</sup> See *Britton*, Liber I. cap. xxiv.

<sup>3</sup> Spigurnel cannot have had an accurate knowledge of *Britton*, who says: 'For an intent killed within her womb she may not bring an appeal,

no one being bound to answer to an appeal of felony where the plaintiff cannot set forth the name of the person against whom the felony was committed.'—Lib. I. c. xxiv.



for rape.' BEREFORD C.J. seems inclined to go into first principles, rather than to give a direct ruling on the question of law. 'Why can't a woman appeal for robbery of her property as well as a man?' he asks. And Spigurnel gives him two reasons: the first of which does not seem very convincing, though the second is to the point. 'For two reasons: firstly because a woman easily changes her mind, and, secondly, because a man cannot have the same defence against a woman that he has against a man'; i.e. the duel. Then the argument on the sharp legal point seems to drop. Apparently the Court has decided against it on some ground of which we are given no hint; and Warwick, also of counsel for the defence, takes up another line of argument, which seems to admit the legality of the appeal. 'We say that when a woman brings an appeal of robbery, she must bring it in the following way. First she must make immediate suit in the county court, so that she may be attached to give security with her possessions, and then she must remove the matter before the Justices.' Alice, apparently, had not done this; and so, for this reason, counsel asks that the appeal be dismissed. But this objection meets with no better success than the former one. One would like to know the Justices' reason for overruling the objection that a woman could not bring an appeal for robbery, an objection based apparently upon the clearest law. Yet though the law was clear enough there is evidence that it was not followed in practice. I have come across a manuscript in the British Museum,<sup>1</sup> probably of much the same date as Britton, which, after declaring the law to be that a woman could not bring an appeal for various felonies, including robbery, unconcernedly goes on: 'Yet nevertheless if a woman do bring an appeal against a man for the death of her brother or her father or for robbery or wounding, and the guilty person will not come and find security to appear before the Justices at the woman's suit he shall be outlawed for his contumacy, for his contumacy shows that he dare not come to the King's peace and will not do so, and that he is guilty of the crime.'<sup>2</sup> One would have liked some further explanation than either this writer or our reports afford us.

What seems a strange exposition of the law is reported in the third paragraph of p. 91. Here the Justices decline to interfere with one who obstructed a footpath between two towns, on the ground that anyone that felt himself aggrieved had his remedy by way of novel

<sup>1</sup> A treatise on *Placita Corone*. Harl. MS. 1120, f. 143.

<sup>2</sup> 'Mes ne purquant si une femme appel un home de la mort son frere ou son pere ou de roberie ou de playe et le coupable ne voille venir et trover

plegges devenir devant Justice a la suite la femme il serra utlage pur sa contumace car sa contumace signefique il ne ose venir a la pees le Roy ne ne voet e que il seit coupable du fete.'



disseisin. But novel disseisin could only be brought by one who himself, before the alleged disseisin, had legal seisin. Sir Frederick Pollock suggests an alternative marginal note: *Nota de remedio per assisam, et sic videtur quod omnes homines de D. seisinam habere possunt de via inter D. et S. et hec est j. seisina mirabilis.*

(25) SOME OBSERVATIONS SUGGESTED BY THE EYRE ROLL  
AND SOME EXTRACTS THEREFROM.

The general picture of life in Kent at the beginning of the fourteenth century as we find it reflected in the Eyre Roll is not a pleasant one. But the Roll is, one knows and is glad to know, the reflection of but the worse side of the social history of the time. It is not to such a record that he turns who would learn of 'Merrie England' and 'the Age of Faith,' and would fain discover for himself what truth may lie in those well-worn phrases. That an Eyre Roll should be so thick with records of crimes of violence and of every kind of fraud calls for no comment. For what else does the Crown division of such a roll exist? Its records are as short and concise as possible. Nothing but the material facts are chronicled. There is no room for any such little story of the heroism or self-sacrifice of one single man, woman, or child, as often lights up the reports of our criminal courts of to-day. Not a glimmer of any potentiality for better things, not a touch of one redeeming quality, is hinted throughout all the long, closely written membranes that go to the making of the Eyre Roll. There is scarce a single action recorded therein that a man would not wish were not recorded of an ancestor of his own; there is not one that he would wish were so recorded. As to the amount of crime in the days when our Roll was put together compared with that of to-day, we can come to no certain conclusion. In the first place, because only a fraction—how great or how small a one we cannot tell—of the crime of the time is recorded in the Roll. The courts of the hundreds and of the franchises dealt with much of it. And then, secondly, we have no trustworthy estimates of the population of the different neighbourhoods from which the criminals of the Kent Eyre came. Of the ruthless savagery of some of these men we can say that it exceeds aught that is told of in our modern courts. The mutilated Lavinia in *Titus Andronicus* came not entirely from Shakespeare's imagination. As few people at the time of our Eyre were able to write, to cut off their hands would have been mere waste of time; but cutting out the tongues of those who had been injured in person or property, to prevent their giving information against those who had so injured them, was so



common that a special statute was subsequently directed against the practice.<sup>1</sup> I translate the following directly from the Eyre Roll: 'John of the Mill that lived opposite St. Laurence's gate in Canterbury, together with other malefactors whose names be unknown, came to Elias Honeywood's house in Littlebourne, and broke into the said house, and wounded the said Elias and Christina his wife and cut out their tongues. And they put the said Elias upon a brazier wherein was fire-burning. And one Philip Hole they slew in the same place, and straight-way fled.' Whether Elias and Christina lived or died we are not told. After a chronicle of such savage crime it seems the merest bathos to read that the 'neighbours' were fined for non-attendance. These poor folk were the only people who were in any way punished for the happening of all this savagery. The 'finder' put in an appearance. As Philip Hole was certainly murdered, a 'finder' and 'neighbours' were necessary, but we cannot with certainty say aught further of Elias and his wife.

But, passing by crimes of violence and fraud, which are ever common, a reader of the Eyre Roll cannot but be struck with the sordid lust of money which seems to pervade every class of persons to which the Roll introduces us, and it introduces us to most classes, from the King downwards. And let us deal with the King first. One need write here no general summary of Edward II's character and actions. We are not concerned with them, except so far as they are touched by the records of the Kent Eyre. A discussion between Bench and Bar in *Scoland v. Grandison* (pp. 161 and 175) shows the former in no very creditable light. They seem to be entirely the King's creatures, their decisions to be moulded to his will. There was a statute which enacted that writs issued after a certain date to be proclaimed at the commencement of the Eyre should be null. The writ in *Scoland v. Grandison* had been issued after the date so proclaimed, and consequently the case ought to have been struck out in accordance with the provisions of the Statute. But the King writes to the Justices and makes no scruple of telling them that he has Frank Scoland's interests much at heart, and that they are to see to it that he comes into his rights with as little delay as possible.<sup>2</sup> Passeley, Sir William Grandison's counsel,

<sup>1</sup> 5 Henry IV, c. 5.

<sup>2</sup> 'Johannes le Batour manens ex opposito porte Sancti Laurencii Cantuarie simul cum aliis malefactoribus ignotis venit ad domum Elię de Honeywode in Bergha de Littlebourne et dictum domum fręgerunt et dictum Eliam et Christinam uxorem ejus vulneraverunt et linguas eorum ab-

sciderunt et dictum Eliam super quemdam tripodem posuerunt igne supposito et quemdam Philippum attę Hole ibidem occiderunt et statim fugerunt.' E. R. m. 21.

<sup>3</sup> I do not think this too strong a translation of 'Faites haster le droit meisme celi Fraunk par totes les manere qę vous sauerez et purrez.' It





at once takes the point that the writ is too late, and protests against the case being heard. To hear it, he says, is to go straight in the teeth of a statute. ORMESBY J. is shocked at such an argument. 'This is naught else,' he says, 'than to challenge and dispute the King's authority, and that we may not do.' It is all unavailing that Passeley again pleads the words of the Statute. *Rex locutus est, causa finita est.* 'We have the King's instructions to proceed, and so we must needs obey' is STAUNTON J.'s final ruling. This is not the only time, by once or by twice, that the King overrides this statute, commanding the Justices to hear cases '*non obstante Statuto de brevibus coram Justiciariis Itinerantibus in Itineribus suis placitabilibus ultra certum terminum in proclamacione inde in initio Itinerum illorum facienda.*' But we have more certain evidence of the King's interference with the course of even justice and his diversion of it to his own pecuniary advantage in the reporter's note on the amercement of one Robert, who was said to be a receiver of stolen goods. Now a man could not be convicted as a receiver unless the actual thief had been previously convicted. But the man who was alleged to be the actual thief was never convicted. When he was arraigned, he produced the King's pardon, and thereupon was let go without more ado. Apparently without any kind of trial, or even any admission on his own part—notwithstanding the Court's remark that he cannot deny the allegation made against him—Robert is sent to prison till he makes fine with the King for half a mark. 'But,' says the reporter, 'you shall note that the Justices did this rather that the King might be advantaged than that the law might be carried out, and through fear of the King;'<sup>1</sup> though, it should be added, the exact meaning of '*ad terrorem*' is not quite clear.

Lords of franchises force or attempt to force those who rightly are suitors of other courts to become suitors of their own Courts, and are much suspected of assuming lucrative franchises to which they are by no means entitled. Ecclesiastics of high degree show no fairer than laymen. The first case in our reports of Crown Pleas tells how the Prior of Leeds enclosed land to which he had absolutely no title, and to which he must have known he had no title, and how he did not hesitate to tell what look like very deliberate lies to bolster up his case. Officials of every degree use the authority of their offices as a means of extortion and robbery. Coroners demand money, and fairly substantial sums,

is true that he adds '*Solent la ley et l'usage de nostre Roiaume et le cours del eire,*' but as he himself was entirely ignoring and overruling the best-known limitation, the Justices might well believe that he had no particular

anxiety that they should be over-careful about the two first.

<sup>1</sup> It should be noted that this happened during the Cornwall Eyre of 30 Edward I., though reported in the Year Books of our Kent Eyre.



too, before they will perform the duties of their office. They are not above the meanness of pilfering the very clothes from a dead body. Bailiffs and sub-bailiffs have wider spheres of action, and full use they make of them. It is their function to choose those who shall serve on juries and assizes, a duty which in those days every man must have been anxious to avoid. A man who could afford to buy exemption for himself would in most cases be glad to do so. And so, over and over again, we find juries presenting that such and such a bailiff or sub-bailiff had taken bribes for removing persons from the panels of juries and assizes. It would be an offence which, no doubt, they would be keen to present whenever they could, as the presence of some of them there, with all its contingent perils, would be directly due to the absence of those whose names had first been put down on the list. But these bailiffs and sub-bailiffs had other, many other, ways and means of drawing no small advantage out of the men of their hundreds and liberties. It was the bailiff's duty to collect fines, or to levy distress in case of failure of payment. Probably no formal acknowledgments of payment were given, as we find bailiffs exacting a second payment of the same fine. Definite surnames were very rare in the days of our Eyre. A man would oftener than not be described by his Christian name and the name of the place where he lived—'William of Blackheath' or 'John of Chartham.' If some particular William of Blackheath were amerced for some wrongdoing, a fraudulent bailiff would go round to all the Williams in Blackheath and extort, or attempt to extort, the amount of the fine from each one of them. He himself was, of course, responsible only for the payment into court of the exact amount of the amercement, and if he could collect it three or four times over from three or four different people he was able to put a substantial sum into his own pocket. And that this was a course which some of these bailiffs and sub-bailiffs pursued the records prove. Again, it is, as we have said, the duty of the bailiff or his deputy to levy distress in certain cases where money due is not otherwise recoverable, and for this he is entitled to a fee. It is consequently to the bailiff's advantage that distress should be levied; and so, although the debtor tenders payment, the bailiff—the criminal bailiff, that is to say—refuses the tendered payment and levies distress in order that he may obtain his fee. Even though one has not been put upon a jury and does not owe any money, there are still ways left by which he may bend the poor man to his will—as by forcing him to become an appellor to serve some private ends of the bailiff—or extort money from the man that has it. If he turn a deaf ear to the bailiff's blandishments he may find his cattle impounded and be put to much inconvenience and expense



before he can get them freed, and his ploughs or carts at work again. Then there is the custom known as 'scotales'.<sup>1</sup> A 'scotale' or 'festale' in the county of Kent at the time of our Eyre was after this sort. The bailiff or sub-bailiff that had or held the 'scotale' often began by stealing or extorting sheaves of corn from the men of the neighbourhood. From these he brews his beer, and expects them from whose corn it has been brewed to come and drink it, and to pay for the drinking of it. If they do not, he will manage to make things uncomfortable for them in one way or another. I will translate from the Eyre Roll a record showing the offences all-god against and the varying fortunes upon his trial of one Thomas Brett of Stormarsh. Thomas was a sub-bailiff of the hundred of Wingham. The jury present that Thomas took money from various people—mentioning no names—for removing them from assizes; so the Sheriff is bidden to send for Thomas. Thomas comes—such is the language of the record, but probably some term expressive rather of coercion than volition would more exactly represent what happened—and says that never a penny has he taken from anyone for such a reason; and he begs that his whole conduct may be inquired into. As a result of this inquiry the jury go into details and particulars. They declare that Thomas took fourpence from Richard of Wilmyngton, and fourpence from Richard of Coleshill, and similar sums from several other persons, for removing their names from the panel. So Thomas must go to goal; and he subsequently agrees, through pledges, to make fine for his wrongdoings in the sum of twenty pence. But the jury have not yet done with Thomas. They further present that he made several 'scotales' within the hundred and pressed the men of his bailiwick to come to them; and to the hurt and oppression of such as did not come he did in many ways use his office. Thomas, who is present, allows readily enough '*quod ipse braciare fecit in hundredo predicto,*' but he denies that he ever made any charges against or did any hurt to any who did not come to his 'scotale.' In this matter the jury failed to substantiate their presentment, and they are obliged to acquit Thomas, and are themselves amerced for contradicting their own presentment. The abuses and oppressions consequent upon these 'scotales' were so general and notorious that a

<sup>1</sup> e.g. 'W. W. Bedellus episcopi Roffensis in S., H., et C. colligit garbas in autumno contra voluntatem hominum illarum villarum et de blado sic collecto fecit braciare cervisiam que vocatur scotale et illos qui ad eandem cervisiam non eunt venire diversis modis per districtiones et impareamenta

averiorum suorum inquietat et molestat.' E. R. m. 71 d.

<sup>2</sup> 'Quod fecit plures scotales in hundredo isto rogando homines de ballia sua quod venirent etc. et illis qui ad rogatum suum ibidem venire voluerunt plura gravamina ratione ballive sue fecit.'



special article in the *Capitula Itineris* was directed against them. There is a story of a bailiff's or beadle's extortion in the Record which I am not sure that I certainly understand. 'The jurors,' says the Roll, 'present that Peter Hugelot, while he was Beadle<sup>1</sup> of the manor of Munster, did, by the authority of his office, attach the body of one John Blake because that he, the said John, had drawn blood from a certain woman without seriously hurting her;<sup>2</sup> and did detain him in prison until he made fine with him for ten shillings, which he levied from him by extortion.'<sup>3</sup> What was John Blake's alleged offence? A slight assault, yet one which drew blood; or a surgical operation, an unnecessary letting of blood? So much for bailiffs. Gaolers take bribes that they may allow their prisoners to escape. A monk that was a market official approves a false measure for a fee. Offences in breach of the assizes of bread and beer and wine are numerous, but call for no special mention here. We may, however, note the offence for which Thomas Marchaunt of Linsted was fined half a mark. In selling his wine to the townspeople he was careful to use a true measure, but to travellers along the road he supplied it 'by false and smaller measure.' Of the general life and habits of the people at large, when they were doing things other than those which formed grounds for a presentment by a jury of their hundred, we can learn very little indeed from our Eyre Roll and reports. There are two references to men playing ball. In one case a child is killed accidentally, and in the other a man is killed as the result of a quarrel. The game these people played was probably some rough sort of cricket, the ball being 'struck back.'<sup>4</sup> There is also a reference in the Roll to a man 'sagitare volens ad quendam metam.' There is no other reference in the Roll other than these touching any form of amusement or pastime, unless bathing may be classed under this head. The Tavern, however, seems to have been as popular an institution in those times as it is to-day, and very many of the crimes recorded in the Roll are the sequels of drinking-bouts therein. 'As they were returning from the public-house,' or some equivalent phrase, is the beginning of many a story of murder and other crime of violence. Englishmen, indeed, seem to have had a reputation for drinking much beer from times to the contrary of which memory

<sup>1</sup> Beadellus.

<sup>2</sup> 'Extraxit sanguinem de quadam femina absque gravi lesione.'

<sup>3</sup> 'quos ab eo levavit per extorcionem.' E. R. m. 30.

<sup>4</sup> 'Adrian le Savere et Willelms le Caspene de Stureye luserunt adinvicem pilam in borgha Sancti Nicholai

et cum predictus A. voluit repercutisso pilam percussit quendam W. filium ejusdem W. subtus aurem.' In the other case a man was struck and killed 'cum baculo' which was apparently used in the game for striking back the ball.





runneth not, and much evil consequence has been attributed to such custom by divers men in divers times. Even as far back as the earlier half of the thirteenth century Pope Innocent IV held it responsible for a certain want of clearness of grasp of the principles of ecclesiastical law in our English masters and professors. There was a dispute as to certain matters between the Abbot of Evesham and the Bishop of Worcester which was adjourned to Rome for hearing before the Pope. In the course of his argument, Robert Clipstone, that was of counsel for the Bishop, thus addressed the Pope: 'Holy Father,' said he, 'we have learnt in our schools, and such is the opinion of our masters, that prescription runneth not against episcopal rights.' 'Of a surety then,' replied the Pope, 'both you and your masters must have drunk deeply of English beer when you learnt that.'<sup>1</sup>

This seems a fitting section of this Introduction wherein to quote a few records from the Eyre Roll which I have noted as presenting, each in its own way, some vivid little picture of the times and the people who lived in them. 'Richard of Rye that was ten years old begged for his livelihood through the country-side. He died from weakness and exhaustion, and the jury brought it in misadventure.'<sup>2</sup> This is not the only case of this kind in the Roll. It seems to have been not uncommon for little fellows of ten years old, and even of some years less, to be tramping the country, homeless and friendless, picking up a living as best they might.

'John Whityng and Alice of Strood had boiled some water in the house of John Saul in the borough of Wyke, and they poured it into a certain large bowl. And then they began to sport with each other, and in embracing the one the other with their arms they fell into the said water, and were both so badly scalded that on the next night following they died. And the jury found it a misadventure, and the value of the bowl is tenpence.'<sup>3</sup>

'Giles the shepherd, being minded to kill a certain pig of his, was boiling water in a certain earthen vessel that therewith he might scald the carcase of the said pig. But this same pig ran against the said vessel that was full of hot water and overturned it, so that both vessel

<sup>1</sup> 'Et adversarius (sc. Robert Clipstone): Pater sancte, nos docemus in scholis, et hæc est opinio magistrorum nostrorum, quod non currit prescriptio contra jura episcopalia. Et dominus papa: Certe et tu et magistri tui multum bibistis de cerevisia Angliana quando hæc didicistis.'—*Chronicles of Evesham*, (Rolls Series), p. 182.

<sup>2</sup> 'Ricardus de la Rye etatis decem annorum querens vittum suum per

patriam . . . pro debilitate et infirmitate obiit.'—E. R. *iv*. 34.

<sup>3</sup> 'Johannes Whityng et Alicia de Strode calcaverunt aquam in domo Johannis Saule in borgh de Wyke et posuerant illum inquam tam magnam aquam et ludendo implexati fuerunt adinvasem cum brachiis suis ita quod ceciderunt in predictam aquam et ambo scaturizati fuerunt ita quod in proxima nocte sequenti obierunt.'—E. R. *iv*. ix.



and boiling water fell upon Richard, that was the son of the said Giles and was of the age of seven years, and so severely scalded him that on the third day thereafter he died. And the jury found it a misadventure. And the value of the pig and the vessel is two shillings and eightpence.<sup>1</sup> On the dorse of the membrane of the Roll from which this record is extracted is recorded the murder of this same Giles the shepherd of Wyke, as the result of a quarrel. The murderer escaped.

A somewhat extraordinary case arising in the hundred of Blengate, recorded in the Roll, but unnoticed by any of our reporters, seems worth noting here. It was found, upon inspection of the coroner's roll, that a presentment had been made by the whole hundred, the borough of Beltinge alone not joining in such presentment, that a woman unknown had been murdered in Beltinge on the Sunday before the feast of St. Alphege in the thirtieth year of Edward I. It was further presented that she had been stripped of her clothes and buried under the beach at Beltinge by one Robert Godestrey, who is since deceased, and one John Warren, without view by the coroner. These same John and Robert are declared to have subsequently had in their possession a certain dress of green cloth and other chattels belonging to the dead woman. It was further presented that Helewysa, that was the wife of the aforesaid John, gave one of her own chemises for shrouding the dead woman for her burial; and that all the premises happened with the knowledge of the borough of Beltinge and were concealed by it. The Justices thereupon order the arrest of John and Helewysa, and direct a full inquiry to be made into all the circumstances. A special jury is impanelled to make the inquiry, consisting of the jurors of the hundred of Blengate, excluding the representatives of Beltinge, and the jurors of the neighbouring hundreds of Rislo, Downhamford, and Whitstaple; and the conclusion they come to is that the whole presentment is what we should call to-day 'a cock and bull story.' There never was, they say, any such woman murdered and found at Beltinge, as stated in the coroner's roll; and the whole story was an invention intended to injure Robert Godestrey, who is now dead. And so, naturally, the order for the arrest of John and Helewysa is quashed.<sup>2</sup>

<sup>1</sup> 'Ezilius le Bercher volens occidere quendam porcum suum in borgha de Wyke calefaciebat aquam in quadam olla terrea pro eodem porco scaturizando. Hic porcus currens per predictam ollam plenum aqua calida eversit predictam ollam per quod predicta olla cum aqua coeclit super Ricardum filium dicti Ezili de etate vij annorum et scaturizatus fuit per quod tercio die

post inde obiit.'—E. R.

<sup>2</sup> 'Hundredum de Blengate. Comptum est per rotulos Coronatoris quod per totum hundredum istud preter Borgham de Beltinge presentatum fuit coram Henrico de Wozhop coronatore quod quidam mulier ignota interfecta fuit in borgha de Beltinge die dominica proxima ante festum Sancti Alphegii anno regni Regis Edwardi patris domini Regis nunc



A presentment was made that divers men—'nauti' (sic) is the description of them given in the Roll—had been formerly accustomed to carry passengers between Gravesend and London and between London and Gravesend for a fare of a halfpenny,<sup>1</sup> but that now they were charging each passenger a penny for the same journey. So they are all put into merey, 'and they are forbidden for the future to take from any man anything more than a halfpenny.'<sup>2</sup> The Roll shows that it was no uncommon thing for a man to be brought up a second time for trial on a charge of which he had already been acquitted. Of course he was at once discharged on proving the validity of his previous acquittal. But the experience of one Robert seems a little exceptional. He was brought up for trial a third time for an offence of which he was able to prove by the records of two previous judicial commissions, having full jurisdiction, that he had already been twice acquitted.<sup>3</sup> The Roll gives us an interesting definition of a mediæval custom called 'Danger.' By this custom, says the Roll, the tenants—in this particular case the tenants of the Prior of Christ Church, Canterbury—have the right of mast or pasture for their oxen, pigs, and horses in the woodlands of the Prior for six weeks following the Feast of St. Michael, according to the amount of land which the tenants have and hold of the Prior.<sup>4</sup> The Roll tells us—it is our last extract—that Nicholas Archer holds 155 acres of land, of the yearly value of a hundred shilling, in the hundred of Bensbergh, by the serjeanty of supporting the King's head whenever he crosses the Channel from Dover to Wissant.<sup>5</sup>

trecesimo et dispoliata et sepulta fuit sub littore maris ex opposito de Beltingge per Robertum Godefrey qui obiit et Johannem Waryn sine visu coronatoris. Et quod iidem Johannes et Robertus habuerunt unam rotam de viridi panno que fuit diete mulieris et alia catalla et quod Helewysa uxor predicti Johannis dedit unam camisiam de canis suis pro predicta muliere cooperanda et sepelienda et quod totum hoc factum fuit per assensum Borghe de Beltingge et consensum per eandem. Ideo predicti Johannes et Helewysa capiuntur et plenius inquiratur super isto facto. Postea inquisitum est per juratores istius hundredi exceptis juratoribus Borghe de Beltingge simul cum juratoribus hundredorum de Rinslo Dounhamford et Whitestaple quisunt proximo adiacentes predictæ Borghe de Beltingge de facto predicto quod nulla talis mulier ignota etc. inventa fuit nec interfecta in pre-

dicta Borghe de Beltingge qualiter compertum sit per rotulos coronatoris etc. Inimmo predictum factum fuit circumventum per militiam super predictum Robertum qui obiit et ideo nulli de predictis Johanne et Helewysa capiendis etc.'—E. R. m. 21 d.

<sup>1</sup> *Obit.*

<sup>2</sup> E. R. m. xij. d.

<sup>3</sup> E. R. m. 43 d.

<sup>4</sup> 'Consuetudo vocata *Danger* videlicet ubi tenentes [sc. of the Prior of Christ Church, Canterbury] habuerunt pessoriam vel pasturiam pro bobus porcis et averis suis in boscis ipsius prioris per sex septimanis post festum Sancti Michaelis secundum quantitatem placearum quas iidem tenentes habent et tenent de eodem priore.'—E. R. m. xv.

<sup>5</sup> 'per servitium tenendi caput domini Regis quotiescumque transiret ultra mare apud Doverr' versus Wissant.'



(27) OF THE TRADES CARRIED ON BY THE PEOPLE OF KENT AT  
THE TIME OF THE EYRE.

We may learn something of the Kent of 6 & 7 Edward II from the following list of trades and callings, all mentioned in the Eyre Roll, carried on by the people of that county at that time. It is possible, and, indeed, very probable, that some of the words in this list, of which no explanation can be given, were merely nick-names, of which latter many other examples may be found in the 'Kalendare,' printed as an Appendix to this volume. Where it seems at all necessary, I have added, within brackets, the equivalent term in modern English.

Akatour (Purveyor or Caterer)	Bunter (Meal-sifter)
AmbLOUR (either a seller of ambling horses or a variant of Ampoler, below)	Bresiere (Brazier)
Ampoler (a seller of ampuls or phials)	Brewere
Archler	(la) Calestare (possibly a feminine form of 'Callore,' below)
Badlere (probably a nick-name. See 'O.E.D.' sub 'Badelar')	Callore (perhaps a maker of Cauls. O.F. <i>cale</i> , a small cap. See 'O.E.D.' under 'caul')
Baker	Caretere (Carter)
Bolnger (Baker)	Carpenter
Barber	Chalkere (a caulker of ships. See 'O.E.D.' under 'caulk')
Berther } (Shepherd; F. <i>berger</i> )	Chaloner (Dealer in 'Chalons' <sup>1</sup> )
Barker }	Chandelere (Candle-seller)
Blower (Horn-blower. The blowing of a horn was used to advertise goods)	Chapman (Trader)
Bocher (Butcher)	Chesemonger
Boghere (Bowyer)	Clerk
Bokeler (Armourer)	Cocchere ((?) There were no coaches then)
Bolour (perhaps a nickname, meaning Deceiver)	Combere (Wool-comber)
Bostour (probably some sort of mason. See 'O.E.D.' under 'Boast')	Cordwainer
Botiler (Butler)	Cornledere
	Cornmongere
	Corour (Carrier)
	Couherde (Cow-herd)
	Cotiler (Cutler)

<sup>1</sup> A 'chaloner' was an importer or exporter of a peculiar kind of carpet of woollen or worsted called a 'chalons' because it was originally made at Chalons-sur-Marne.

<sup>2</sup> In his owne chambre hem made a bed  
With shetes and with chalons large  
y-spred.'

Chaucer, *Reeve's Tale*, 4139-40.





Cottere (a peasant: one who lives in a Cot)	Hornere (a worker in Horn: one who made horn spoons)
Dadalere (probably a nick-name: a Dawdler)	Kambere (Wool-comber)
Daubour (Whitewasher or Plasterer)	Lokiere (Locksmith)
Drapier	Lynetere (possibly a seller of Linnets)
Dyeter (Purveyor?)	Lyndraper
Egler (?)	Maltmaker
Fenere (a dweller in the Fens: a fensman)	Mareschal (Farrier, horse-leech, or horse-smith)
Ferroure (a worker in iron)	Mazoun (Mason)
Fisser	Millere }
Fletcher (Arrow-maker)	Mylner }
Fleyschere (Butcher)	Milkere (Milkman)
Foghelere } (Fowler)	Messager (Messenger)
Fogler }	Muddere (one who removes mud?)
Gager (Gauger of Casks)	Nedler (Needle-maker or needle-seller)
Gainour (Husker of grain)	Otemongere
Gynere (maker of Gins or traps)	Pakkere (Packer)
Garbour (perhaps one who put wheat into sheaves. O.F. <i>garbe</i> )	Palmere (Palmer)
Gardiner	Pannour (maker or seller of Pans)
Gerdler (maker of Girdles)	Parker (Park-keeper)
Glover	Parmenter (Tailor)
Goldsmith	Passour (Ferryman)
Gredour (?)	Pestour (Baker)
Greffour (either (1) a Grafter of trees or (2) a clerk)	Pipere (Piper)
Harpere	Polente / Seller of Polenta. See 'O.E.D.' under 'Polenta')
Hattere	Poleter (Poulterer)
Hayward (Hedgewarden. See 'O.E.D.')	Prechour (especially a Dominican Friar)
Heare (?)	Rapere } (Rope-maker)
Hekker (Hackler—in the wool trade?)	Ropere }
Helere (Tiler)	Rydelstere (a feminine form of 'Riddler': one who sifts corn through a coarse sieve)
Hert (Shepherd)	Sagliere (?)
Holere (probably a nick-name, a 'rip.' See 'O.E.D.' under 'holour')	Saltere (Salter of meat)
	Sayere (Seller of silk)
	Scriptor
	Scryveyn (Scrivener)



Sem-ter (just possibly for 'Sem- menter,' Latin, cæmentarius, a stonemason)	Thathere
Serkestayn (Sexton)	Thresshere
Shepherd	Tornour (Turner)
Shepwright (Shipwright)	Tuckere (Fuller)
Shipman	Trayour (a drawer or retailer of wine or beer)
Smyth	Twynere (maker of string or thin rope)
Sopere (seller of soap)	Upholder (general dealer, or broker of second-hand goods)
Spenser (Steward)	Vineter (Vintner)
Spicer (Grocer)	Wallere (Bricklayer)
Stabler (keeper of Stables)	Webbe (Weaver)
Swetere (perhaps a nickname, a 'Sweater,' i.e. a laborious per- son; a term not unknown in school-)	Wetere (?)
Sweyn (a kind of Servant)	Wochere (perhaps an error for 'wechere,' which is an oc- casional form of 'wachere,' meaning 'watcher')
Taillour (Taylor)	Wod-ward (Woodward; a sort of gamekeeper)
Tanner	Wycher (perhaps a maker of <i>whicches</i> or wooden boxes. See <i>hwicche</i> in Stratmann)
Tannour	
Taperwrichte (Taper-maker)	
Taverner (Inn-keeper)	
Teyntor (Cloth-dyer)	

### (27) OF THE YEAR BOOKS OF THIS EYRE.

An unusually large number of Year Books of this Eyre have survived, a fact which probably means that an unusually large number of them were written, and so is evidence of the interest which the Eyre excited in practising counsel and students of the law. Eighteen Year Books have been collated in the editing of this volume. A full list of these, together with the Greek letters by which they are severally referred to hereafter, will be found on p. xvi. Of these eighteen Year Books all but three seem to be fairly contemporary with the Eyre whose proceedings they report. The Cotton MS. ( $\eta$ ) is of late fourteenth century. One of the Cambridge MSS. is probably late fifteenth or early sixteenth century, and is on paper. The Lincoln's Inn transcript ( $\theta$ ), likewise on paper, is early seventeenth century.

The first thing that strikes a student of these Year Books collectively is the extraordinary corruptions with which they abound, making him doubt if they could have been written by scribes at all equal in general



literary attainments to their fellow writers of similar compilations dealing with the proceedings of the Courts at Westminster.

And this leads us to the consideration of what manner of men these scribes of the Year Books of the Kent Eyre really were, and after what fashion these books were put together. If those who compiled and wrote them were lawyers they must necessarily have had a fair knowledge of Latin, as all writs and pleadings, as well as all the entries in the official Court Rolls, were in that tongue. A mediæval lawyer ignorant of Latin is scarcely conceivable.<sup>1</sup> But, considering the blunders and corruptions, presently to be more particularly referred to, with which our texts abound, it seems equally inconceivable that the scribes who perpetrated these had any intelligent knowledge of it. The text of the *Capitula* as we have it in these books contains much that is absolute untranslatable nonsense, much that would have had to remain untranslated and unintelligible if we did not possess other sources of information as to the correct text. The men who wrote this nonsense must either have been ignorant of Latin or so culpably careless of what they wrote as to be quite unfitted to be the editors and compilers of what were presumably intended to be professional text-books for the instruction of practitioners and students of the law. What is written is sometimes so obviously wrong that it seems certain that the scribes who wrote it were merely the ignorant and careless hireling copyists of other men's work. In the first place, that they never read over what they had written seems certain. Over and over again in these Year Books we find clear proof

<sup>1</sup> Perhaps this is too strongly put. A mediæval Bishop of Durham absolutely ignorant of Latin seems *proba facie*, just as impossible as an equally ignorant mediæval lawyer. Yet we have it on record that Lewis Beaumont, appointed to the Bishopric of Durham in 1317, some four years after the commencement of our Eyre, understood not a word of either English or Latin. In reading the bull of his appointment, in which he had been sedulously coached for several days beforehand, he stumbled over the word *metropolitane*, which he vainly endeavoured to pronounce. Having hammered over it for a considerable time, he at last cried out in his own mother-tongue:—'Seit pour dite!' 'Let it be taken as said!' to the stupefaction of all present, who grieved that such an one should be consecrated a bishop. And again, unable to make anything of the words 'in ænigmatæ' in the Ordinal,

he exclaimed 'Par Seynt Lowys il ne fu pas curteis qui ceste parole iei eserit.' 'By St. Louis, he was no very civil fellow that wrote that word here.' But, after all, these two instances recorded by the historian relate to what are really Greek, and not Latin words. 'Unde cum in consecratione sua profiteri debuit, quamvis per multos dies ante instructorem habuisset legere nescivit; et cum auriculantibus aliis cum difficultate ad illud verbum *metropolitice* pervenisset, et diu anhelans pronunciare non posset; dedit in Gallico *seit par dite*. Stupebant omnes circumstantes, dolentes talem in Episcopum consecrandum. Et cum similiter celebraret Ordines nec illud verbum in *ænigmatæ* proferte posset; dixit circumstantibus *Par Seynt Lowys il ne fu pas curteis qui ceste parole iei eserit*.'—Robertus de Graystancia. *Anglia Sacra*, I. p. 761.



of this. Some particular word occurs twice within a line or two. The scribe copies his text till this word occurs the first time. Then he raises his eyes to his text again, and they unfortunately light upon the second occurrence of this same word, and he proceeds with his copy from that point, omitting all the intermediate text. Instances of this are very frequent. One or two may be pointed out as examples, p. 142, footnote 16-17; p. 166, footnote 1-2; p. 167, footnote 6-7. These omissions would be impossible with a copyist who read over what he had copied. With a copyist who does not read over what he has copied, especially if what he is supposed to be copying should happen to be written in a language of which he knows nothing, mistakes of all sorts are probable; and, as our texts prove to us, are continually being made. Some few of these may be mentioned here, as tending to show what manner of men these were upon whom we are dependent for our knowledge of what happened at this Eyre of Kent. On p. 59 one of our reporters, by leaving out one word and miscopying two others, would have us believe that the finders' pledges played the part of a jury so far as the 'finder' was concerned. It is a light matter with our scribes to leave out a negative, and so assert the exact contrary of the truth. It is an equally light thing with them to write one word for another and quite different word, as 'trouvour' for 'coronour'; 'seisina' for 'summa'; 'falsas' for 'fabas'; 'movebatur' for 'moriebatur'; 'heres' for 'erit'; and so on; and leave an editor to puzzle out as best he may what the genuine reading really should be. Sometimes we get two out of three consecutive words so completely altered in the copying, that it would be hopeless even to guess at their meaning if we had not other texts to refer to. What, for instance, could be made out of 'boitte avant ville' (p. 25) if we did not read 'mette avant ville' in another manuscript? There is a strange mistake in one of the texts which suggests the thought that even so far back as 6 Edward II a little learning was a dangerous thing. One Henry was charged with having stolen sheep from the fold of Nigel; 'captus pro xxij multonibus furatis in falda Nigelli.' The scribe who has given us the text which we call *δ* in this volume seems to have believed that his brother scribe who wrote 'furatis' in the extract just quoted was such an ignoramus as to suppose that a past participle 'furatus' was formed from 'fui' or 'fuisse'; and so he turns 'furatis' into 'qui fuerunt'; probably with much self-complacency, and quite regardless of the fact that he had emended all sense and grammar out of his text.

But it is perhaps in their astounding Anglo-Norman reflections that

<sup>1</sup> This is a copyist's mistake. The two words would look very much alike in the Script of the time.





our scribes are most wonderful. The student who is curious of such matters will not have far to go, nor long to search, before he finds abundant examples in the following pages. Here are just a few of such: 'qe il *daït* pur li mesme ceo qe il voleit'<sup>1</sup>; 'tous plees muez ou a *movers*'<sup>1</sup>; 'treiasen' (equivalent, apparently, to *traxissent*)<sup>1</sup>; 'si Englegerie *solert* estre presente'<sup>2</sup>; 'qe les *certifiacion* de tous les nons'<sup>3</sup>; 'bauidioms' (*qu.* bailloms)<sup>4</sup>; 'qe vous clamastuez'<sup>5</sup>; '*robert* son compaynoun dun chival.'<sup>6</sup>

Mere concords our scribes reckon little of. 'Il [*sc. le Roi*] maundront'; 'il fut entrez'; 'le chief seignour fut entree'; 'la seconde jour'; and so on. It may be noted here that the puzzling perversions and even the obvious blunders with which our texts abound do not seem to have troubled in the slightest degree the owners and presumable students of them. No one ever corrects or queries anything. It is to be hoped that these Year Books of the Kent Eyre are no criterion of the intelligence of the law-students of the early part of the fourteenth century; but if it be possible to conceive a modern text-book or a modern volume of reports so bristling with blunders and corruptions as do these Year Books of the Kent Eyre, it is certainly not possible to conceive that such a book could be studied long by an intelligent modern student without its margins being marked with many a '*qu.*' and its text scored and interlined with many a suggested emendation.

Attention must be drawn here to some passages in our texts that present exceptional difficulties. On p. 21, the reporter, after telling us that the Clerk of the Crown brought the dozens to the bar to make their presentments in English after they had been read by himself in French, goes on to say 'et un desacordassent et rien a lour presentment contrarier.' This, as it stands, is obviously neither grammatical nor intelligible. We have, unfortunately, no other text recording this particular incident to which we can refer for a possible hint as to how it should be emended. But we know enough of the ways and weaknesses of the writers of these manuscripts to be able to guess pretty confidently what has happened. We have already seen that it was no uncommon thing with them to leave out a whole line or more of the text they were copying, and it is practically certain that something has been omitted here, and almost as certain that what is written has been to some extent miscopied. A very careful study of the original text made with the special view of determining some probable omission has not given any hopeful result. But this may be said. Parchment being expensive, no room was lost; and sometimes a word coming at the end of a line

<sup>1</sup> p. 49.<sup>2</sup> p. 51.<sup>3</sup> p. 52.<sup>4</sup> p. 119.<sup>5</sup> p. 131.<sup>6</sup> p. 412



was rather oddly divided. If there were not room to get 'noun' in at the end of a line, 'no' might very possibly be written there, and 'un' carried on to the beginning of the next line. Bearing this in mind, it may just be suggested that the latter part of the line, or lines, which the copyist omitted ran somewhat after this fashion 'Pus lour fust dist qe no,' and that the line where he took up his copy again began 'un.' Then possibly the original text continued 'desacordant dissent,' which a careless scribe would easily turn into *desacordassent*. Putting all this together we get 'Pus lour fust dist qils noun desacordant dissent et rien a lour premier presentment contrarier,' which is as near an approximation to sense and grammatical construction as must needs sometimes satisfy us when we attempt to interpret the text of our erratic scribes. But of course all this is purely conjectural. The only thing that is certain is that the text as it stands must be corrupt.

On p. 148 we are told that if a thief taken in a franchise be willing to confess at the suit of the plaintiff that he stole the goods found in his possession, the Court shall not receive him to do so 'pur ceo qe la court ne cunge de quere et les quist.' The last words seem hopelessly corrupt. Possibly 'ne' should be 'na'; 'mie,' or some such negative, being omitted. But that leaves the construction of 'et les quist' as dark as ever. One would be inclined to translate 'the Court has no jurisdiction and would acquit them'; but that the Court would certainly not have done. The translation given on the English side of p. 148 seems, on the whole, most likely to convey the truth, though it certainly cannot be got from the original text as it stands.

On p. 117 it is difficult to grasp clearly what the reporter means by the 'teste' or 'head' of the axes mentioned. I have supposed that the whole axe-head, which was attached to a wooden haft or club, consisted of a piece of iron shaped at one end into a cutting edge and at the other into a knob of some sort which could be used as a hammer or battering instrument, for the axe clearly seems to have been used both as a cutting and a battering tool. There is much difficulty, too, in translating the words 'quarre' and 'leve' as descriptive of the blunt end. They are clearly contrasted with each other. The natural meaning of 'quarre' is square, but I can find no authority for translating 'leve' as 'round,' which seems to be the sense required if 'quarre' is to be rendered 'square.' There does seem authority for 'solid' or 'heavy' as translations of 'quarre,' and 'leve' may quite properly be rendered 'light'; and so into 'heavy' and 'light' have I translated the two words, though I remain very doubtful as to the correctness of this translation.

The whole meaning of the second paragraph on p. 147 is very uncertain. What I have supposed it to mean is this: A woman and



her husband have secretly committed some crime of which no one suspects them. The woman's conscience pricks her, and she goes to church to make confession before the coroner, and to seek leave to abjure the realm. The husband, discovering this, hastens after her, hoping to intercept her before she has confessed. Then he is arrested, either as a *particeps criminis*, or, maybe, on a charge of brawling in church.

On pp. 71-2 we are told that one John 'equitavit super quemdam carectam ad funos quam ij equi trahebant.' Here the word 'funos' is the difficulty; and it is to be noted that this is the reading not only of the MSS., but of the Eyre Roll also, which the MSS. copy more or less correctly. There is no such word as 'funos.' Various suggestions may be made in emendation, but none can be offered with any real confidence. In the first place we may suppose that 'funos' should be 'fimos,' meaning manure-heaps, the French 'fumiers'; so that 'carecta ad fimos' would mean a dung-cart. But the objection to this is that the grammarians explicitly deny a plural to 'fimus.' But we do not expect our scribes to write classical Latin, and an objection of this kind need not in itself be an insuperable obstacle to this rendering of the phrase 'ad funos.' This is the interpretation suggested by Sir Frederick Pollock and favoured by Professor Vinogradoff. Then, again, we might read 'funes,' meaning the ropes or traces by which the horses were attached to the cart, and suppose that John was sitting with his feet near to, or resting upon, these traces. There is yet a third possible emendation, one which Professor Skeat is inclined to favour, namely that 'funos' should be read 'funus.' He suggests that possibly 'carecta ad funus' should be taken as a whole, with the meaning of 'a hearse.' In support of this he cites the French 'char à banes,' equivalent to 'carrus ad bancos.' And in further support of the theory that 'carecta ad funus' is practically a compound word, he points out the somewhat peculiar position of the relative 'quam.' All these suggestions are easy so far as the *ductus litterarum* goes, but none of them can be put forward as anything better than a more or less plausible guess. The text here, as in some other passages, is probably irremediably corrupt.

A note on the word 'wan' which occurs in the text on p. 139 may usefully be made here on the authority of Professor Skeat. 'Wan' is the true old form of the Norman 'gan,' which is the Norman form of Old French 'gain,' French 'gain,' English 'gain.' In our text it stands for the gain or profit accruing from the sale of deodands.

An extraordinary fact in connexion with these Year Books that purport to be Year Books of the Kent Eyre of 6 Edward II must be specially noted here. Amongst the cases reported in them we have



beyond all doubt many that had nothing at all to do with this Kent Eyre. Several of them were cases tried in the Cornwall Eyre of 30 Edward I, and they have been identified in the Roll of that Eyre, and reports of them found in Year Books of the Eyre. The appeals of Alice Taylor for the murder of her husband, and for robbery, have been found recorded in the *De Bunco* Plea Rolls of 25 Edward I; that of Felicia Gervaise in the Plea Roll of 19 Edward I. How did these, and some other cases, get into the Year Books of the Kent Eyre, without any explanation at all of their presence there? To answer that question at all satisfactorily we need to know much more than we do know at present of the origin of Year Books. In the first place it seems fairly certain that they were not, and could not have been, put together as we have them as first-hand notes written during the hearing of the cases they report. The likeliest theory seems to be that they were written up from notes made in court upon odd scraps of parchment, and from similar notes subsequently taken from the Eyre Roll. We may fairly suppose that the compilation of these Year Books of Eyres and of the proceedings at Westminster and elsewhere was a regular and recognised business. They may have been put together as we have them either by the men who actually took the notes, or by an entirely different set of men to whom these notes were handed over for this purpose. In either case it would seem that the compiler of any particular Year Book had in his possession a bulky sheaf of notes of cases taken by himself or by others, or by both himself and others. A man who made it the business of his life to compile these Year Books would have notes of cases heard during different Eyres, and of cases heard of Westminster, and wherever else itinerant Justices might have been commissioned to hear pleas of Juries and Assizes. There were probably no headings as to venue upon these notes, and now and again slips of notes relating to an Eyre in Cornwall would get mixed with slips of notes relating to an Eyre in Kent, with the result that they would be incorporated in a Year Book of an Eyre in that county. This seems a not improbable explanation of the presence of the Cornwall cases in our Kent Eyre. Sometimes, too, a manuscript will give us two reports, separated, maybe, by several folios, of the same case, differing somewhat from each other;<sup>1</sup> a fact which seems to confirm the supposition that the Year Books were put together from loose slips of notes acquired from various sources; and further confirmation seems to be found in the seemingly haphazard order in which the cases are reported in the several manuscripts. Then, again, on the other hand, it is quite possible that the scribe who inserted these foreign cases knew perfectly well what he was

<sup>1</sup> This is by no means unknown even in much later Year Books.





doing. He had these notes in his possession, and saw no readier way of making a profitable use of them than by inserting them in whatever text he happened to be engaged upon at the moment.

But there is a singular fact in connexion with this Kent Eyre which makes another theory as to the presence of at any rate some of these foreign cases just possible. The reports of Crown cases were, of course, intended to form a compendium of criminal law. In a compendium of criminal law it is certainly desirable that something should be said and taught as to the law concerning rape, a by no means uncommon crime in mediæval times. Now in the whole Roll of our Kent Eyre not one single case of rape is recorded. This is a very singular fact, but a fact it is. There are cases, indeed, recorded that make it not improbable that this crime had been committed, but was subsequently merged in the greater one of murder; and it is of the murder only that the Roll speaks. But this is mere surmise. Now a compiler of a Year Book treating of crimes might very well think that some cases dealing with the law as to rape should find a place therein; and, finding no such cases reported in the proceedings of the Eyre with which he was primarily concerned, might very reasonably have recourse to a bundle of notes dealing with another Eyre which he knew contained some instructive cases of the kind he wanted. And then, having extracted certain important and instructive cases dealing with this matter, he might well go on to add a few more that struck him as being likely to be useful to practitioners and students.

Then we have the long appeals of Alice Taylor for the murder of her husband and for robbery. What of these? How do they find their way into a Year Book of the Kent Eyre? Several of our manuscripts have a note referring to Alice Taylor's appeal as an authority, and so it may well have happened that a scribe, having the notes of these cases by him, thought that reports of them might properly and usefully be included in the reports of the Eyre. This seems a quite possible explanation. The long appeal of Felicia Gervaise for the murder of her husband is reported by the two manuscripts that report Alice Taylor's appeals, and also by a third one which does not report these latter. Now the same point as to abettors arises in Felicia's appeal, though our report does not tell us what exactly happened in their case. But it seems not unlikely that this appeal by Felicia may have been included in these three Kent Eyre Year Books as running upon much the same lines as Alice Taylor's appeal, which was quoted during the Eyre as an authority. Nor is it any means unlikely that Felicia's case itself was actually mentioned as an authority together with Alice Taylor's.



Finally, as to what can be discovered of the relationship of these manuscripts one to another. No one of them is a simple copy from any other, even making an ample allowance for the personal equation of the copyist. One would not care to say so much as to individual cases reported in the different books. Often, indeed, it seems certain that, if they be not variants one of another, they are variants of the same and not very far removed original. The accounts of the preliminary proceedings of the Eyre in  $\eta$  and  $\theta$  are practically identical. But then it is almost certain, from its date, that no part of  $\theta$  can be from original notes. It seems to owe much to  $\eta$ .  $\alpha$ ,  $aa$ , and  $\beta$  strongly resemble each other, though they are not really collatable, and  $\alpha$  contains no Crown cases.  $\lambda$  is more akin to these than to any other of our MSS., and may be said to be of the same family. Similarly  $\gamma$ ,  $\epsilon$ ,  $\epsilon\epsilon$ , and  $\kappa$  may be grouped together; as may also  $\delta$ ,  $\zeta$ , and  $\kappa\kappa$ . In many respects  $\gamma\gamma$ ,  $\kappa$ , and  $\nu$  are similar, though in others they are quite dissimilar.  $\gamma$  and  $\epsilon\epsilon$  are the only MSS. purporting to be Year Books of the Kent Eyre which report the Cornwall cases.

It was found quite impossible to include in one volume the whole proceedings of this Kent Eyre. The accounts of the opening of the Eyre naturally find their place at the beginning of this first volume. No chronological arrangement of the cases was possible, as our various texts differ greatly amongst themselves in the order in which they report them. Bracton, however, tells us that the first business of the Court, after the completion of the preliminary proceedings, should be to take the Crown Pleas. In deference to Bracton the report of the Crown Pleas follow in this volume the reports of the preliminary proceedings. Attaint and Trespass were quasi-criminal actions; and for this reason the reports of Attaint and Trespass follow the Crown Pleas. The purely civil actions will be reported in a second volume, arranged alphabetically in regard to their nature.

## (28) CONCLUSION.

In these last lines of this Introduction I very gratefully express my appreciation of, and my thanks for, the assistance I have received from others while I have been editing this Eyre of Kent. Whatever interest or value the section of this Introduction dealing with the trades of Kent at the time of the Eyre may possess must be credited to Professor Skeat, whose time and learning have been willingly and generously given to what I hope has been the congenial task of reducing them into terms of modern English. He knows how I have appreciated his aid in this and in other matters connected with this volume, and



I thank him again for it here. I am indebted to Professor Vinogradoff for several useful suggestions for the emendation and interpretation of some corrupt and difficult passages in the text. Of the obligations I am under to Sir Frederick Pollock I am conscious that anything I can say in this Introduction must be quite inadequate. His help and suggestions in elucidating the corruptions and difficulties of these texts have been as invaluable to the often perplexed editor of them as the interest he has taken in this latter's work, and the sympathy with him which he has manifested, have been encouraging. It is equally difficult to express here what I owe to Mr. B. F. Lock, the Honorary Secretary of the Selden Society, for all the general assistance, advice, and consideration which I have received from him ever since I took up the editing of this Kent Eyre. But I am certainly none the less conscious of it. Mr. Lock has somewhat difficult teams to drive. He is responsible, or men would hold him so, for the cart and its goods arriving at the market at the scheduled time. But the roads are sometimes very bad, and sometimes there are even worse difficulties than bad roads to be contended with; and so now and again it happens that, willing as the teamster may be, and willing as the team may be, the cart and its contents arrive a little late. And I am afraid that so much must be acknowledged of this particular cart.

W. C. BOLLAND.



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W. C. BOLLAND.





EYRE OF KENT



## ITER KANCIE

## 11.

<sup>2</sup> PLACITA <sup>3</sup> DE JURATIS & ASSISIS<sup>5</sup> CORAM HERVICO DE STAUNTONE & SOCIIS SUIS JUSTICIARIIS<sup>4</sup> DOMINI REGIS<sup>5</sup> ITINERANTIBUS APUD CANTUARIAM<sup>5</sup> IN COMITATU KANCIE IN OCTAVIS NATIVITATIS SANCTI JOHANNIS BAPTISTE ANNO REGNI REGIS EDWARDI <sup>7</sup> FILII REGIS EDWARDI<sup>7</sup> SEXTO FINIENTE.

<sup>8</sup> En lan de regne le roi Edward, <sup>9</sup> fitz le roi Edward,<sup>9</sup> sisme,<sup>10</sup> le dimayne en les utaves de la nativite seynt John<sup>11</sup> le Baptiste, sistent les justices a Caunterbirs par certeyne commissioun laquele al comencement firent lyre en audience de tute la comunalte.

## 12 COMMISSION DE JUSTICES A TENIR LE EYRE.

<sup>13</sup> Edwardus &c archiepiscopi, episcopi, abbatibus, prioribus, comitibus, baronibus, militibus et omnibus aliis de comitatu Cancie salutem. Sciatis quod constitutus dilectos et fideles nostros Hervicum de Stanton, Willelmum de Ormesby, Henricum Spigurnel, Johannem de Mutford, et Willelmum de Goldington Justiciarios nostros ad itinerandum ad omnia placita hac vice in comitatu predicto<sup>14</sup> attaminata<sup>15</sup> terminandum; Constitimus eciam eodem H. &c. Justiciarios nostros ad omnia placita deliberandum. audiendum

<sup>1</sup> Preliminary proceedings reported by a, aa, 3, 7, 77, 8, e, 5, 7, 8, c. This version is given by a, aa, 3, 7, c. <sup>2</sup> Text of heading; nom 7 collated with e; heading omitted by a, aa, 3. <sup>3</sup> c omits. <sup>4</sup> The other Justices were WILLIAM DE ORMESBY, HENRY SPIGURNEL, JOHN DE MUTFORD, and WILLIAM DE GOLDINGTON. <sup>5</sup> c omits domini Regis. <sup>6</sup> c adds et Roffia. <sup>7</sup> c omits. <sup>8</sup> Text of preamble from 7, collated with a, 3, c. <sup>9</sup> 3 omits. <sup>10</sup> c adds le seisme comenceaunt. <sup>11</sup> a and 3 continue as follows:

<sup>12</sup> comencea le Eyre de Kaunterbries [Kauenterburnas, 3]. A quel eyre tenir furent assignez certains justices, cest a s'avoir sire Herry de Stanton et ses compaignons par certain commission, les queux assis au dit eyre tenir al comencement feseient lire leur commissioun.<sup>1</sup>

<sup>13</sup> Heading given by aa & 3 only. <sup>14</sup> Writ inserted by a, aa, 3; 7, c omit. Text from a collated with 3. <sup>15</sup> Kancie, 3. <sup>16</sup> 3 omits attaminata.



## EYRE OF KENT

## I.

THE PLEAS OF JURIES AND ASSIZES TAKEN BEFORE HERVEY DE STAUNTON AND HIS COMPANIONS, JUSTICES IN EYRE OF OUR LORD THE KING, AT CANTERBURY IN THE COUNTY OF KENT, ON THE OCTAVE OF THE NATIVITY OF ST. JOHN THE BAPTIST, TOWARDS THE CLOSE OF THE SIXTH YEAR OF THE REIGN OF EDWARD THE KING, THE SON OF EDWARD THE KING.

In the sixth year of the reign of Edward the King, the son of Edward the King, on the Sunday that was the Octave of the Nativity of St. John the Baptist, the Justices sat at Canterbury by virtue of a certain Commission, which Commission they forthwith caused to be read within the hearing of all the people.

## COMMISSION OF THE JUSTICES APPOINTED TO HOLD THE EYRE.

Edward, etc., to the Archbishops, Bishops, Abbots, Priors, Earls, Barons, Knights and all others of the County of Kent—Greeting. Ye are to know that We have appointed Our beloved and trusty Hervey de Staunton, William de Ormesby, Henry Spigurnel, John de Mutford and William de Goldington to be Our Justices in Eyre for determining all pleas now entered for hearing at such Eyre within the county aforesaid. Also that We have appointed the same H. etc. to be Our Justices for delivering, hearing and determining as well all pleas in



et terminandum juxta provisiones et ordinationes per nos inde factas et ad querelas et transgressiones omnium querencium seu conquerevolencium, tam de ballivis et ministris nostris quibuscumque quam de ballivis et ministris aliorum et aliis quibuscumque et ad querimonias quorumcumque amerciendum et competentes emendaciones inde faciendum secundum legem et consuetudinem regni nostri et juxta ordinationem per nos inde factam et juxta tenorem statutorum nostrorum eisdem H. &c. inde traditorum et immotorum. Et ideo vobis mandamus quod eisdem H. &c. tanquam Justiciariis nostris itinerantibus ad ea que ad placita illa pertinent intendentes sitis et respondentes sicut predictum est. In cujus rei testimonium<sup>1</sup> etc.

<sup>2</sup> Et peus sire H. de Stauntone chief justice<sup>3</sup> moustra<sup>4</sup> la volunte<sup>5</sup> nostre seignour<sup>6</sup> le roi & la cause de lour venue<sup>6</sup> qe feust tiele,<sup>6</sup> qe le roi voleit qe les trespasours feussent puniz<sup>7</sup> solom lour desert & qe owel droit feust fait as povres & as riches, <sup>8</sup> en priaunt la communalte<sup>9</sup> del countee qil moissent tiel eide qe par lour<sup>10</sup> venues<sup>11</sup> bone & certeyne pees<sup>12</sup> pout estre<sup>13</sup> estably<sup>14</sup> l'al honour del roialme<sup>15</sup> & a lour profit demesne.<sup>15</sup> ¶ E peus comaunda<sup>16</sup> al vicounte<sup>17</sup> de countee de<sup>18</sup> rendre son bref de la somons del eyre, & le vicounte enci fist, le qel bref fust tiel.<sup>19</sup>

#### <sup>20</sup>BREVE DE SUMMONICIONE COMMUNI ITINERIS.

<sup>21</sup> Rex<sup>22</sup> vicecomiti Kancie salutem. Sumnane per bonos summonitores archiepiscopos, episcopos, abbates, priores, comites, barones, milites, & omnes liberos tenentes de comitatu tuo, & de quibuscumque villis<sup>23</sup> iij legales homines & prepositum, de quolibet burgo xij legales burgenses per totam ballivam tuam & omnes alios<sup>24</sup> qui coram

<sup>1</sup> From  $\beta$ : *a omits*. <sup>2</sup> This paragraph is given by *a, au,  $\beta$ ,  $\gamma$ ,  $\epsilon$* ; but *a, au,  $\beta$*  insert two versions of it, one before, the other after the writ of common summons. The second version agrees with the text, which is taken from  $\gamma$ . The text has been collated with *a,  $\beta$ , and  $\epsilon$* . <sup>3</sup> Et puis sire H. vii chief justice, *a,  $\beta$* . <sup>4</sup> *a,  $\beta$  add* a la communalte. <sup>5</sup> *a,  $\beta$ ,  $\epsilon$  omit*. <sup>6</sup> Et dist, *a,  $\beta$* . <sup>7</sup> *a,  $\beta$  add* per comune lei. <sup>8,9</sup> Et sur ceo pria a les, bones gentz, *a,  $\beta$* . <sup>10</sup> *a omits*. <sup>11</sup>  *$\beta$  adds* cyde et lour. <sup>12</sup>  *$\beta$  adds* e tel loi se poit faire. <sup>13</sup> fust, *a*. <sup>14</sup>  *$\beta$  omits*. <sup>15</sup> roi, *a*. <sup>16</sup>  *$\beta$  adds* le ditez justices. <sup>17</sup> *a omits*. <sup>18,19</sup> rendre sus ces brefs, qensi le fit, qe furent luez et qe furent souz remunt de faire sa proclamation et les proces dil eyre, *a,  $\beta$* . <sup>20</sup> The duplicate version, given by *a, au*, as stated above, is as follows:—

¶ Et postea dixit Hervicus: Beaus seignours, nostre seignur le Roi nous ad demaunde a oyer et determiner toutz les plez de la Corounee toutz les plez e les querelles qe sont regardanz le Eyre. E puis comaunda a vicount de rendre sus son bref, qe issi fist, et fut lu en cotes paroe. This text is from *a* compared with  $\beta$ .

<sup>21</sup> Heading from  $\zeta$ ; all MSS. of this version omit. <sup>22</sup> Text of writ from  $\gamma$ , collated with *a,  $\beta$ ,  $\epsilon$* . <sup>23</sup> Edwardus der ptana &c.  $\epsilon$ ; Edwardus &c. *a,  $\beta$* .

<sup>24</sup> qualibet villa, *a,  $\beta$* . <sup>25</sup> illos, *a,  $\beta$ ,  $\epsilon$* .





accordance with the provisions and ordinances in such case made and provided by Us, as all plaints and pleas of trespasses entered or to be entered as well against Our bailiffs or Our other officers whatsoever, as against the bailiffs and officers of others and against all other persons whatsoever ; and for the putting into mercy of all persons whatsoever that have given cause of complaint, and for awarding sufficient amends to those that be by them aggrieved, according to the law and custom of Our realm and the ordinances by Us in such case made and provided, and in accordance with the tenor of Our statutes to the said H. etc. given and delivered. And so We do charge you that to the said H. etc. as Our Justices in Eyre, ye give your attendance and inform them of all matters pertaining to the pleas as are aforesaid. In testimony whereof etc.

And then Sir H. de Staunton, the Chief Justice, declared the will of our Lord the King, and the reason of their coming, in this wise. The King's will was that all evil-doers should be punished after their desserts, and that justice should be ministered indifferently as well to poor as to rich ; and, for the better accomplishing of this, he prayed the community of the county by their attendance there to lend their aid in the establishing of a happy and certain peace that should be both for the Honour of the realm and for their own welfare.

And then he bade the Sheriff of the county produce his writ of summons to the Eyre. And so the Sheriff did. And the writ was in this wise.

#### WRIT OF GENERAL SUMMONS TO THE EYRE.

The King to the Sheriff of Kent, Greeting. You shall summon by good summoners Archbishops, Bishops, Abbots, Priors, Earls, Barons, Knights and all freeholders of your county, and also from every villa four law-worthy men and the reeve, and twelve law-worthy men from every borough throughout the whole of your bailiwick, as well as all others who



justiciariis itinerantibus<sup>1</sup> venire solent & debent, quod sint apud Cantuariam<sup>2</sup> in octabis nativitatis sancti Johannis Baptiste proximo futuris coram dilectis & fidelibus nostris Hervico de Stauntone, Henrico Spigurnel, Johanne de Mutford, Willelmo de Ormesby<sup>3</sup> & Willelmo de Goldyntone & aliis fidelibus nostris quos tunc 'missuri sumus' ibidem audituros & facturos preceptum nostrum. Fac etiam venire coram eisdem fidelibus nostris omnia placita corone nostre que placitata non<sup>4</sup> sunt, vel<sup>5</sup> que emergerunt postquam justicarii ultimo<sup>7</sup> itineraverunt in partibus illis, & omnia placita & omnia attachiamenta ad placita illa pertinencia, & omnes assisas & omnia placita que posita sunt ad primam assisam coram justiciariis nostris cum brevibus assisarum illarum & placitorum, ita quod assise ille & placita pro defectu tui vel summonicionis tue non remaneant. Fac etiam clamari & sciri per totam ballivam tuam quod omnes assise & omnia placita que fuerunt atterminata & non finita vel que fuerunt summonite coram justiciariis nostris apud Westmonasterium vel coram justiciariis nostris<sup>8</sup> qui ultimo itineraverunt in comitatu predicto ad omnia placita vel coram justiciariis nostris illuc missis ad assisas nove disseisine capiendas vel ad gaolas deliberandas, quod tunc<sup>9</sup> sint coram prefatis fidelibus<sup>10</sup> nostris apud Cantuariam in eodem statu in quo remanserunt per preceptum nostrum vel justiciariorum itinerantium vel justiciariorum nostrorum de banco. Summone etiam per bonos summonitores omnes illos qui vicecomites fuerunt post ultimam itineracionem justiciariorum in partibus illis, quod tunc sint ibidem coram prefatis fidelibus nostris cum brevibus de assisis & placitis que tempore suo receperint ad respondendum de tempore suo sicut respondere debent coram justiciariis. Precipimus etiam tibi quod per totam ballivam tuam, <sup>11</sup>videlicet tam in civitatibus burgis quam in villis mercatoriis & alibi, publice<sup>12</sup> proclamari facias quod omnes illi qui libertates aliquas<sup>13</sup> assignatas<sup>14</sup> per cartas predecessorum nostrorum regum Anglie vel alio modo habere clamant<sup>15</sup> sint coram prefatis fidelibus<sup>16</sup> nostris ad diem predictam ad respondendum<sup>17</sup> ejusmodi libertates habere clamant & quo waranto, & tu ipse tunc sis ibi paratus<sup>17</sup> una cum ballivis & ministris tuis ad certiorandum ipsos fideles nostros super hiis & aliis negociis illud tangentibus. Precipimus etiam tibi quod publice proclamari facias quod omnes conquerentes seu conqueri volentes tam de ballivis & ministris nostris

<sup>1</sup> *β, ε omit.*      <sup>2</sup> *Canterburiam, a ; Kanterburiam, β.*      <sup>3</sup> *Ormesby is placed second by a, β.*      <sup>4</sup> *misimus, β.*      <sup>5</sup> *ε omits.*      <sup>6</sup> *et, a, β.*      <sup>7</sup> *ε omits.*      <sup>8</sup> *a, β, ε omit.*  
<sup>9</sup> *a, β omit.*      <sup>10</sup> *justiciariis, a, β.*      <sup>11-12</sup> *a, β omit.*      <sup>13</sup> *from a, β, ε ; γ omits.*  
<sup>14</sup> *a, β omit.*      <sup>15</sup> *β adds quod.*      <sup>16</sup> *ostendendum, a, β.*      <sup>17</sup> *personaliter, β, ε.*



are wont and bounden to give their attendances before the Justices in Eyre, that they present themselves at Canterbury upon the Octave of the Nativity of St. John the Baptist next ensuing, before Our beloved and trusty Hervey de Staunton, Henry Spigurnel, John de Mutford, William de Ormesby and William de Goldynton and other Our trusty lieges whom We are about to send thither, to the end that they may there hearken to and fulfil Our commands. You shall also cause to come before Our trusty lieges aforesaid all the pleas of Our Crown which have not yet been pleaded, or which have been entered since the last Eyre in the said county, and all pleas with all attachments pertaining to such pleas, and all assizes and all pleas pleaded at original assizes holden before our Justices, together with the writs for those assizes and pleas, so that the said assizes remain not further over by your fault or by your failure to summon. You shall also cause proclamation to be made throughout your bailiwick that all assizes and pleas set down for hearing and not disposed of, and such as were entered for hearing before Our Justices at Westminster or before Our Justices in Eyre who last perambulated the said county to hear all manner of pleas, or before Our Justices whom We sent thither to hold assizes of novel disseisin or to deliver the gaols, shall be brought before our said trusty lieges at Canterbury in the same stage as they were left by the order of Ourselves or of Our Justices in Eyre or of Our Justices in Bank. You shall also summon by good summoners all such persons as have filled the office of sheriff since the last Eyre of Our Justices in those parts that they there and then give their attendance before Our said trusty lieges, bringing with them such writs of assizes and pleas as each shall during his tenure of office have received, that each may duly answer before Our Justices for the matters belonging to his own Shrievalty. And We further charge you that throughout the whole of your bailiwick, that is to say as well in cities and boroughs as in trading towns and elsewhere, you shall cause public proclamation to be made that all such as claim to be possessed of franchises, either by virtue of charters granted by Kings of England, Our predecessors, or by any other means, shall give their attendance before Our said trusty lieges on the day aforesaid, to the end that they may justify their claims to such franchises, showing by what right they so claim them. And also you yourself shall be in attendance together with your bailiffs and officers to the end that you may be ready to inform Our trusty lieges concerning these matters and all other things relating to them. Furthermore, We charge you that you cause public proclamation to be made calling upon all such persons as complain or intend to complain as well of Our bailiffs or Our other



quibuscumque quam de ballivis & ministris aliorum <sup>1</sup>& aliis<sup>1</sup> quibuscumque veniant coram <sup>2</sup>dilectis & <sup>2</sup>fidelibus nostris ad predictos diem & locum ad quascumque querimonias ibidem ostendendum & ad <sup>3</sup>competentem emendam<sup>3</sup> inde recipiendum secundum legem & consuetudinem regni nostri & secundum ordinacionem per nos inde factam & juxta tenorem statutorum nostrorum & juxta articulos nostros<sup>4</sup> eisdem fidelibus nostris inde traditos & prout iidem fideles nostri tibi sciri facient ex parte nostra, & habeas ibi summonitores & hoc breve. Teste &c.<sup>5</sup>

## <sup>6</sup>NOTA.

### SERMENT DE VICOUNTE.

#### SERMENT DES CLERS.

<sup>7</sup>E puis<sup>8</sup> comaunda<sup>9</sup> au vicount <sup>10</sup>de rendre sus<sup>10</sup> sa verge, et <sup>11</sup>il issi le fit.<sup>12</sup> Et ex hoc nota qe le vicount est remuable<sup>13</sup> a le volunte des justices errantz. <sup>14</sup>Et puis lui chargerent<sup>15</sup> de par le roi qe bien e lealment freit chose qe a soun office appendent et le counseil le roi et lour<sup>16</sup> celereit et dues execucions solum lour comaundement freit durant le eyre, <sup>17</sup>si Dieu lui eide &c.<sup>18</sup> Et puis lui rebaileront la verge. Et de <sup>19</sup>meine le<sup>19</sup> serment chargerent il ses clers <sup>20</sup>solum lour estat.<sup>21</sup>

### <sup>21</sup>JUGEMENT DE VICOUNTS QUE NE VINDRENT MYE LE PRIMERE JOUR.

<sup>22</sup>E puis comaunderent a vicount qil lour fait auer touz le nouns <sup>23</sup>de touz les vicounts et des coroners du dit countee ou de lour heirs ou de lour executeurs de ceux qe furent mortz<sup>24</sup> puis la derreine eyre, et il ensi fit.<sup>25</sup> Et puis furent touz les vicounts severalment <sup>26</sup>demaundez qe en ire furent, et auxi les heirs et les executeurs de ceux qe mortz furent, qe eus rendissent<sup>27</sup> sous lour roubles, chescoun de soun temps.

<sup>1-1</sup> a omits. <sup>2</sup> e abls coram prefatis. <sup>3-4</sup> competentes emendaciones, a, β. <sup>4</sup> a, β, e omit. <sup>5</sup> T. Bathoniensi et Wellensi episcopo anno regni nostri sexto. a; Willelmo Bacoun et Willelmo episcopo anno regni nostri sexto. β. Here follows the passage in a and β already inserted above. <sup>6</sup> Headings from aa, β; a, γ, e omit. <sup>7</sup> Text from a collated with β, γ, and e. <sup>8</sup> γ, e add lower eo bref. <sup>9</sup> Sire Hervey comaunda. e. <sup>10-10</sup> qil rendesist, γ, e. <sup>11-12</sup> sic fecit, γ; le viscounte ensy list, e. <sup>12-14</sup> γ, e omit. <sup>15</sup> respounable, β. <sup>16-16</sup> Et le firent sermenter, γ, e. <sup>16</sup> ses justices, γ, e. <sup>17-18</sup> γ, e omit. <sup>19-19</sup> autiel, γ, e. <sup>20-20</sup> from γ, e; a, β omit. <sup>21</sup> Heading from aa, β; a, γ, e omit. <sup>22</sup> Text from a collated with β, γ, and e. <sup>23-23</sup> de viscountes et coroners ou de lour heirs ou de lour executeurs qil avoit este en le dit countee, γ, e. <sup>24</sup> et issint fit, γ. <sup>25</sup> γ, e add ou lour heirs ou lour executeurs. <sup>26-26</sup> demandez et comaundez de rendre, γ, e.





officers whatsoever as of the bailiffs and officers of other persons or of any other persons whatsoever to give their attendance before Our beloved and trusty lieges on the said day and at the place aforesaid that they may then and there make their several complaints and sufficient amends receive therefor, according to the law and custom of Our realm, and according to the ordinance in such case made and provided by Us, and according to the tenor of Our Statutes, and according to Our Articles delivered for such purpose to Our said trusty lieges, and as Our said trusty lieges have it in command to make known to you from Us, And you are to bring with you the Summoners and this writ.

Witness, etc.

### NOTE.

#### THE SHERIFF'S OATH.

#### THE CLERKS' OATH.

Then the Chief Justice commanded the sheriff to surrender his wand ; and he did so. And from this you shall note that the sheriff is removable at the will of the Justices in Eyre. Then they charged him in the name of the King that well and faithfully he should acquit himself of all things that belonged to his office ; preserving secret as well the counsel of the King as their own, and due obedience giving to their commands during the Eyre, God helping him etc. Then they restored to him his wand. And with the same oath did they charge his clerks, each one according to his degree.

#### JUDGMENT OF SUCH SHERIFFS AS DID NOT ATTEND ON THE FIRST DAY.

Then commanded they the Sheriff to make a return to them of the names of all such as had, since the last Eyre, been Sheriffs and Coroners of the said county ; or, in the case of such as were deceased, of their heirs or executors. And so he did. And then were all the Sheriffs then present at the Eyre, and the heirs and executors of such as were deceased, severally bidden to deliver up their rolls, each one



<sup>1</sup> Et ceus qe ensi le firent <sup>2</sup>le Justice enseala les ditz roules et lour rebailla.<sup>3</sup> Et ceus qe <sup>4</sup>present furent et les roules de lour temps<sup>5</sup> ne delivereront furent comaundez en la garde le vicount, et qe le vicount seisit lour terres en la main le Roi, et qe eux eussont lour roules lendemein, sauve soit le droit le Roi. Et en dreit des heirs qe ne delivererent point sus lour roules fut comaunde a vicount do seysir totes lour terres et lour chateux<sup>6</sup> en le mayn le Roi.<sup>7</sup>

### Note from Eyre Roll.

Isti fuerunt vicecomites post ultimum iter videlicet Johannes de Bourne, Henricus de Apultrefeld et Johannes le Blount qui obierunt; Willelmus Trussell, Johannes de Northwode, Henricus de Cobham Junior, Watresius de Valoynes, Willelmus de Cosyngtone, Edwardus filius Johannis le Blount, qui superstites sunt; et Johannes de Handlo qui est modo vicecomes.

Isti fuerunt Coronatores post ultimum iter videlicet Henricus de Shorne qui obiit, pro quo Walterus de Shorne filius ejus et heres respondet; Henricus de Woghope qui obiit pro quo Johannes filius ejus et heres respondet; Johannes de Saxyngeherst qui obiit pro quo Willelmus Alard, Henricus de Berham, Johannes de Chepstede, Johanna filia Johannis de Berham, Adam et Johannes filii Radulfi de Musewelle, consanguinei et heredes predicti Johannis respondent; Johannes de Orlaustone qui obiit pro quo Willelmus filius ejus et heres respondet, Willelmus Baroun qui obiit pro quo nemo respondet nec habet terras nec tenementa heredes nec executores; et quia talis coronator electus fuit per comitatum ad judicium de toto comitatu; Johannes de Altelose, Johannes de Pynyntone, Johannes Malemeyns, Adam de Chynenyngge, Nicholaus de Bonyntone, Hamo de Beracre et Johannes de Ovene, qui superstites sunt et respondent de tempore suo; Rogerus de Reyhamme qui obiit pro quo Johannes et Rogerius filii ejus

### <sup>8</sup> DE CORONATORIBUS.

<sup>9</sup> Peus furent les coroners demandez <sup>10</sup>en la manere avantdit<sup>11</sup> & ceus qi avoient lour roules les rendirent & ceus qi furent presentz & n'avoient mye lour roules furent comaundez en garde de vicounte, & qe le vicounte seisist lour terres & lour chateus en la meyn le roi, & neqedent furent chargez d'avoit lour roules lendemayn. Et les heirs des coroners qi ne livererent point lour roules furent comaundez en mesme la manere.<sup>11</sup>

<sup>1-2</sup> Et sic fecerunt. <sup>3</sup> γ; Et ensynt le firent, ε. <sup>2-7</sup> γ, ε omit. <sup>2-3</sup> lo justices enclerent le dite roulez de lour temps, β. <sup>4-5</sup> β omits. <sup>6</sup> β adds auxi.

<sup>8</sup> Heading from *ao.* 3; α, γ, ε omit. <sup>9</sup> Text of this section from γ collated with α, β, ε. <sup>10-11</sup> Et en dreit de coroners, ou de lour heirs ou de lour executors de ceus qe furent mortz, qe ne liveront point sus lour roules chescoun de soun temps dount il furent chargables, fut comaunde a vicount de prendre lour corps et oster femme et enfauntz et seisir touz ses beins en la main le roi, α, β.

<sup>10-11</sup> en meisme la manere, ε.



the roll of his own shrievalty. And when they had so done the Justice sealed the said rolls and restored them. And such as were present and did not produce the rolls of their shrievalty were delivered into the custody of the sheriff, and charge was given to him that he should seize their lands into the King's hand; and they themselves were commanded to produce their rolls on the next day, yet saving the right of the King. And as touching such heirs as produced not their rolls, the Sheriff was commanded to seize all their lands and chattels into the King's hand.

### Note from Eyre Roll (*continued*).

et heredes respondent, et Thomas de Croft qui superstes est et respondet de tempore suo.

Isti remanet coronatores in comitatu isto videlicet Johannes Malemeyns de Hoo in lasto de Eylesford; Reginaldus de Bokelonde in lasto de Sutton; Stephanus de Bokelonde in lasto de Sancta Wynghope; Robertus de Wodhelle in lasto de Shypweye; Johannes de Sancto Nicholao in lasto Sancti Augustini; Thomas de Croft in hundredo de Middleton.

Isti fuerunt coronatores in civitate ista [*sc.* Canterbury] post ultimum iter videlicet Johannes de Stondone qui obiit, pro quo Johannes filius ejus et heres respondet; Adam de Waldis qui obiit, pro quo Thomas Putyn et Baldewynus de Caleys qui desponsaverunt Margeriam et Johannam filias et heredes predicti Ade respondent; Johannes Andreu qui obiit, pro quo Johannes filius et heres ejusdem Johannis Andreu respondet; et Thomas Chitche qui superstes est et respondet de tempore suo.

Thomas Chytche remanet coronator in civitate ista.

Isti fuerunt coronatores in civitate ista [*sc.* Rochester] post ultimum iter videlicet Stephanus de Betlescoumbe qui obiit, pro quo Robertus de Betlescoumbe filius ejus et heres respondet; et Johannes de Hamptone qui superstes est et respondet de tempore suo.

Johannes de Hamptone remanet coronator in civitate ista.

### OF CORONERS.

Then were the Coroners called after the manner aforesaid, and so many of them as had their rolls delivered them up; and so many of them as were present and had not their rolls were commanded into the custody of the Sheriff, and he was bidden to seize their lands and chattels into the King's hand; and to themselves was order given that they should have their rolls with them on the next day. And with such heirs of coroners as did not produce their rolls was it done



<sup>1</sup> Et le coroners ou lour heirs ou lour executours qi furent demandez & ne vindrent point, comaunde feust al vicounte de prendre lour corps & saisir <sup>2</sup> terres & <sup>3</sup> tenementz en la meyn le roi & oster femmes & enfanz &c. <sup>4</sup> Et des coroners <sup>5</sup> esluz par le counte<sup>6</sup> qi<sup>6</sup> furent mortz & qi navoient terres ne tenementz ne heirs <sup>7</sup> de respoudre pur lour temps, si<sup>7</sup> fust agarde qe tut le countee <sup>8</sup> fast charge a respoudre devaunt justices de ses fetz de tut son temps de quant qe apendoit de son office.<sup>9</sup> Et qe tout le countee fut aljugge pur sa defaute. La cause pur ceo qe la eleccioun se fit a lour peril.<sup>10</sup> Peus<sup>11</sup> un gardein dun enfaut <sup>12</sup> denz age, qi fust le<sup>13</sup> heir un coroner, allega qe les roles <sup>14</sup> son pier<sup>14</sup> furent en la <sup>15</sup> meyn une femme<sup>16</sup> executrice <sup>17</sup> son pier, & pur ceo qe ele ne fust mie present<sup>18</sup> fust comaunde a vicounte de seisir<sup>19</sup> terres & chateus<sup>20</sup> & prendre le corps &<sup>21</sup> qil la ust<sup>22</sup> lendumayn<sup>23</sup> de rendre les roles, <sup>24</sup> mes dit feust par les seriauntz qe cele destresse ne feust mie resonablement comaunde qar ele navoit mye<sup>25</sup> jour devant eux par la comune crie.<sup>26</sup>

Peus vindrent ceus<sup>27</sup> qi tindrent par baroun<sup>28</sup> & se profirent<sup>29</sup> & prierent as justices qils recordasent lour presence <sup>30</sup> et lour profre pur ceo qil furent venuz acordanz a lour sumounse.<sup>7</sup> <sup>30</sup> Et Nota qe<sup>30</sup> le counte de Oxoneford vynt & fist <sup>31</sup> son attorne general par bile & feust receu, mes dit feust par les justices qe ceo feust de grace.

Et peus les justices fesoient iij cries.

### <sup>32</sup> LA PRIMER CRIE.

<sup>33</sup> La primer qe touz ceus qi furent ateintz de conspiracies ou de meyntenaunces de fauce querele en le dreyn eyre, ou peus devant sire Rogger Brabasoun & ses compaignouns justices assignez en le dit countee <sup>34</sup> de trailbaston,<sup>34</sup> qil se aloinassent hors de la ville de Caunterbirs

<sup>1-3</sup> Et de touz ceaux qe coroners furent et qe ne vindrent point fut comaunde a vicount de prendre lour corps et estre ceo fete de eux come de ceux qe furent en presente et ne liveront point sus lour roles, a; et de touz accus qe coroners, *omitting the rest, B.* <sup>2</sup> *ε adds* lur. <sup>3-6</sup> *B omits.* <sup>4-5</sup> *a omits.* <sup>7-7</sup> *from a, B; γ. ε omits.* <sup>8-9</sup> *respondissent de jour en jour devant le justices de la coroune de quant q'appent a l'office de coronner pur tout son temps, a, B.* <sup>2-10</sup> *from a, B; γ. ε omit.* <sup>11</sup> *E pur ceo qe, a, B.* <sup>12-13</sup> *et, a, B.* <sup>14-15</sup> *a, B omit.* <sup>16-16</sup> *garde de une, a, B.* <sup>17-18</sup> *a, B omit.* <sup>19</sup> *ε adds* ses; *totes l's, a, B.* <sup>20</sup> *les chateux la dite executrice en la mein le roi, a, B; ses chateux, a.* <sup>20-21</sup> *e de atacher soun corps issint, a, B; et prendre son corps ensy, ε.* <sup>22</sup> *a, B add* devant eux. <sup>23</sup> *a, B add* pur ce qe ne fut mie preste au primer jour. <sup>24-25</sup> *a, B omit.* <sup>25</sup> *from ε; une, γ.* <sup>27</sup> *les tenantz du countee, a, B.* <sup>28</sup> *barounie, a; baronye, ε.* <sup>29</sup> *a, B add* devant les justices. <sup>30-31</sup> *Et puis, a, B; Et, ε.* <sup>31</sup> *pria a les justices qe eux receussent, a, B.* <sup>32</sup> *The headings from aa, t; a, γ. ε omit.* <sup>33</sup> *Text of this section from γ collated with a, B, ε.* <sup>34-34</sup> *a, B omit.*





in like manner. And as touching such coroners, or their heirs or executors, as were called and appeared not, in respect of them was it commanded to the sheriff to arrest their persons, and seize their lands and tenements into the King's hands, and oust their wives and children, &c. And regarding such coroners as had been chosen by the county and were since deceased, possessing neither lands nor tenements nor yet having heirs answerable for their times, award was made that the whole county should be answerable to the Justices for all that appertained to such times during their continuance; and that all the county should be in judgment for their default. And the reason for this was that the county had so chosen them at its peril. And upon this the guardian of an infant within age that was the heir of a coroner alleged that the rolls of the infant's father were in the possession of a certain woman that was his executrix; and so, she not being then present, command was given to the sheriff to seize her lands and chattels and arrest her person, and bring her up the next day to deliver the rolls. It was said, however, by the Serjeants that this distress was not rightly ordered, seeing that she had had no day assigned by public proclamation for her appearance before the Justices.

Then came those who held by barony and proffered themselves, and prayed the Justices to record their attendance and their proffer, seeing that they had presented themselves in obedience to their summons. And you shall note that the Earl of Oxford came and made his general attorney by bill and was received. But the Justices said that this was of grace. And then the Justices made four cries.

#### THE FIRST CRY.

The first cry was that all those who were attainted of conspiracies or of maintenance of false plaints in the last Eyre, or afterwards before Sir Roger Brabazon and his companion Justices of Trailbaston in the said county, should withdraw themselves to the distance of twelve leagues from the city of Canterbury and not return thither during



a xii lewes<sup>1</sup> durant leyre sanz retourner, sils ne feussent en ple, & qe adonques venissent as justices & se mustracent ensuit<sup>2</sup> qils peussent meyntenaunt estre deliveres & retourner mesme le jour, <sup>3</sup> & ceo al peril qe apendoit.<sup>5</sup>

#### LA SECONDE CRIE.

La seconde crye qe nul marchee ne feire ne feust tenuz en le dit countee durant leyre <sup>6</sup> sinoun en la ville de Caunterbirs.<sup>6</sup>

#### LA TERCE CRIE.

La terce crie qe nule court <sup>7</sup>ne counte<sup>7</sup> ne fust tenuz en le dit countee durant leyre sinoun <sup>8</sup>par resoun de plee de terre, & ceo par<sup>9</sup> bref de droit patent ou de apels en countee.

#### LA QUARTE CRIE.

La quarte<sup>10</sup> qe nul home ne fust si hardy de lower mesouns <sup>11</sup>a nules gentz qi furent venuz par resoun del eyre duraunt leyre en la ville de Caunterbirs.<sup>12</sup>

Peus fust comaunde as bailifs <sup>13</sup>de fraunchises de fec<sup>14</sup> & as coroners de mesme les fraunchises de rendre sus lour roules ou a les [heirs] ou a les executoirs de ceus qi furent mortz, <sup>15</sup>solom mesme le proces com devant est dit des autres<sup>16</sup> E peus les justices rebailierent lour<sup>17</sup> roules a touz les coroners, <sup>18</sup>ou a lour heirs ou a lour executoirs,<sup>19</sup> solom ceo <sup>20</sup>qe eux furent livez avant,<sup>21</sup> sus le seal le chief<sup>22</sup> justice.

#### <sup>23</sup>NOTA DE MAINPRISE.

<sup>24</sup>E nota qe *Toudeby* dit qil besoignereit qe touz li ceux qe furent lessetz par meinprise jusques al eyre, en cas de coroune et auxi par le bref q'est appelle *odio et alia*, qe les meinperours les usseient<sup>25</sup> profres al primer jour, ou de resoun les meinperours furent amerciables.

Et peus vindrent<sup>26</sup> gentz & porterent bref le roi de alower <sup>27</sup>lour chartres<sup>27</sup> de lour fraunchises &c.

<sup>1</sup>leus de voy, a, β, lues de veie, a. <sup>2-3</sup>hastivement et se monstrasent a les justices issi, a, β. <sup>4-5</sup>soun peril &c, a, β. <sup>6-6</sup>forse en Canterburie, a, β. <sup>7-7</sup>de nul plai, a, β; ne nul counte, c. <sup>8-9</sup>a, β omit. <sup>10</sup>a, β add crie fut; c add crie. <sup>11-12</sup>duraunt leyre a nule gentz qe furent venuz par le dit eyre, a, β. <sup>13-14</sup>en fee des fraunchises, a, β. <sup>15-16</sup>devers queux meismes le proses se fit com desus est dit devers les vicountes et les coroners foreins, a, β. <sup>17</sup>tous les, a, β; les c. <sup>18-19</sup>etc, cestassavoir a chescun severallment, a, β. <sup>20-21</sup>qil les avoient renduz, a, β. <sup>22</sup>a, β omit. <sup>23</sup>Heading from aa, β; a, γ, c omit. <sup>24</sup>This note given only by a, aa, β. Text from a collated with β. <sup>25</sup>venissent, β. <sup>26</sup>a, β add asquines. <sup>27-27</sup>a, β omit lour chartres.



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Et peus vindrent<sup>26</sup> gentz & porterent bref le roi de alower <sup>27</sup>lour chartres<sup>27</sup> de lour fraunchises &c.

<sup>1</sup> leus de voy, a, β, lues de veie, a. <sup>2-3</sup> hastivement et se monstrent a les justices issi, a, β. <sup>4-5</sup> souz peril &c, a, β. <sup>6-6</sup> forsque en Caunterburie, a, β. <sup>7-7</sup> de nul plai, a, β; ne nul counte, e. <sup>8-9</sup> a, β omit. <sup>10</sup> a, β add crie fut; e adds crie. <sup>11-12</sup> duraunt leyre a nule gentz qe furent venuz pur le dit eyre, a, β.

<sup>13-14</sup> en fee des fraunchises, a, β. <sup>15-16</sup> devers queux meismes le proses se fit com desus est dit devers les vicountes et les coroners foreins, a, β. <sup>17</sup> tous les, a, β; les e. <sup>18-19</sup> etc, cestassavoir a chescun severablement, a, β. <sup>20-21</sup> qil les avoient renduz, a, β. <sup>22</sup> a, β omit. <sup>23</sup> Heading from au, β; a, γ, e omit.

<sup>24</sup> This note given only by a, aa, β. Text from a collated with β. <sup>25</sup> venissent, β. <sup>26</sup> a, β add asquies. <sup>27-27</sup> a, β omit lour chartres.



<sup>1</sup> AD SECUNDUM DIEM.

<sup>2</sup> Le seconde jour del eyre comaunderent les justices al viscounte qil esleust ij chivalers & ij seriauntz les plus leaus<sup>3</sup> del countee<sup>4</sup> qo meutz savorceient et voudreient fere chose qe hom lour chargereit de par le roi<sup>5</sup> les quels esluz<sup>6</sup> furent chargez par serment<sup>6</sup> daloir en la ville & ensercher les tavernes<sup>7</sup> de vyn en tute la vile,<sup>8</sup> & sils trovasent vyn<sup>9</sup> purry<sup>10</sup> qe ils feissent<sup>10</sup> tirer hors les tonels & <sup>11</sup>debruser les founs,<sup>12</sup> & qils meisent assise<sup>13</sup> des vyns & de tute manere autre vitaille<sup>14</sup> issint qe les gentz puissent aussi resonablement vivre duraunt leyre par de lour com devant leyre.<sup>15</sup> E peus comaunderent a vicounte<sup>16</sup> qil lour feist avoir touz les<sup>17</sup> nouns des bailifs deinz fraunchises & de hors del countee,<sup>18</sup> qe ensuit le fist; & les bailifs vindrent,<sup>19</sup> & les justices chargerent<sup>20</sup> checun par sey<sup>21</sup> qe si nul de eux feust entagle<sup>22</sup> de plee de la coroune peus le dreyn eyre<sup>23</sup> nient trie, qil se ostasent de gree al peril qe apendoit.<sup>24</sup> Peus checun bailif<sup>24</sup> severalment charge par tiel serment.

<sup>25</sup> SERMENT DE BAILLIFS.

Ceo oiez vous justices qe jeo<sup>26</sup> lealment esliray ij prodehomes<sup>27</sup> de ma bailie qi meuz sachent & voient verite<sup>28</sup> dire & fere de cco qe home les chargera de par le roi, & qe tiels esliray qi ne soient<sup>29</sup> appelleours ne appelez nentagles de nul plee de coroune ne <sup>30</sup>de conspiracies<sup>30</sup> ne meynutenours de fauce quereles <sup>31</sup>ne de mauveys baratz<sup>31</sup> en countee nen hundred ne ailours en le countee, mes bones gentz & leal gentz & nient suspecionous <sup>32</sup>par le queux la verite pura meutz estre enquisse,<sup>32</sup> & pur rien ne lerray qe enci ne feray, <sup>33</sup>si du meyt e ly seynts.<sup>34</sup> Les queux ensuit le firent. E checun deux fist un panel & mistrent les nouns de les ij homes esluz al comencement de panel.<sup>35</sup>

<sup>1</sup> Heading from  $\gamma$ ; secundus dies,  $\beta$ ; Le seconde jour, aa. <sup>2</sup> Text of this section from  $\gamma$  collated with a,  $\beta$ ,  $\epsilon$ . <sup>3</sup> avenauns,  $\beta$ ,  $\epsilon$ ; covenables, a. <sup>4-5</sup> from a,  $\beta$ ;  $\gamma$ ,  $\epsilon$ , omit.

<sup>6-8</sup> firent serment et puis furent chargez, a; furent sermente e puz chargez,  $\beta$ . <sup>6-8</sup> qil serehassent totes les tavernes des vins en chescun leu, a,  $\beta$ . <sup>7</sup> aa ends, one folio being missing. <sup>9</sup> a,  $\beta$  add bote et. <sup>10-10</sup> a,  $\beta$  omit qe lis feissent. <sup>11-12</sup> enfoudrer les testes, a; enfoudrer le testez de ditz tonaus,  $\beta$ . <sup>12</sup> fustz,  $\epsilon$ . <sup>13-13</sup> en toutes manere de viaundes et en tote manere de vitaille, a,  $\beta$ . <sup>14-15</sup> par quei les gentz qe furent venuz pur leyre purceient estre auxi bien et renablement sutenuz et serviz [ $\beta$  omits et serviz] com de resoun poeit estre suffert [sutenuz,  $\beta$ ], a,  $\beta$ . <sup>15</sup>  $\epsilon$  adds com il point.

<sup>16-17</sup> qil certefiast les ditz justices de, a,  $\beta$ . <sup>18-19</sup> a,  $\beta$  omit. <sup>20-21</sup> touz les baillifs chescun severalment, a,  $\beta$ . <sup>22</sup> entangle,  $\beta$ . <sup>23</sup> a,  $\beta$  add jusques en cea. <sup>24-24</sup> Et puis furent les ditz baillifs, a,  $\beta$ . <sup>25</sup> Heading given only by  $\beta$ . <sup>26</sup> a,  $\beta$  add baillif(s). <sup>27</sup> bones gentz, a,  $\beta$ . <sup>28</sup> a,  $\beta$  omit verite. <sup>29</sup> seient, a,  $\beta$ . <sup>30-30</sup> conspiratours, a,  $\beta$ . <sup>31-31</sup> a,  $\beta$  omit. <sup>32</sup> Words in brackets from a,  $\beta$ ; and  $\gamma$ ,  $\epsilon$ .

<sup>33-34</sup> From  $\beta$ ; &c,  $\gamma$ ; si &c,  $\epsilon$ ; si mei eit Deus etc., a. <sup>35-35</sup> Et puis fut comaunde qil allasent hors et qil reportassent les nouns de deus, auxi com il furent chargez, en un commencement de un panel, et ensi le fescient chescun baillif par sei, a,  $\beta$ .





## THE SECOND DAY.

On the second day of the Eyre the Justices charged the Sheriff to choose two knights and two serjeants, being of the most awful of the county, who best were informed and most willing would be to perform those matters which should be laid in their charge by the King's authority. And these being so chosen were charged upon their oath that making perambulation of the city they should search all the wine taverns throughout the said city; and if therein they should find any wine that was musty that then they should cause the barrels to be carried out and should break in the heads thereof. Also should they make such assize of wines and of all other manner of food that the people might by virtue of such assize live as conveniently during the continuance of the Eyre as they had done previously to it. Further the Justices commanded the Sheriff that he should make return to them of the names of all bailiffs of franchises and peculiars. And so he did. And the bailiffs came, and the Justices charged them, each one of them severally, that if any of them were implicated in any plea of the Crown entered since the last Eyre and not yet determined, such an one had licence to withdraw himself in avoidance of the penalty otherwise attaching to him. Then was each bailiff severally sworn as follows.

## THE BAILIFFS' OATH.

This hearken to, ye Justices. Faithfully will I choose two good men and true out of my bailiwick that best thereto shall be fitted, who truth will speak and all will do that shall be laid upon them in the King's name. Such men will I choose as be neither complainants nor complained of, that be concerned in no plea of the Crown nor in any charge of conspiracy, that be not maintainers of false plaints or baseless charges in county court or hundred court or in any other court within the county; but good men and true shall they be, whom none shall have cause to suspect and through whom shall truth be best discovered. And in all this I will in no wise fail, God and the Saints helping me. And this oath the bailiffs then swore. And every one of them made a panel, and set down thereon at the beginning of the panel the names of the two men they had severally chosen.



<sup>1</sup> Et puis vint le Abbe de la Bataille et clama daver un tiele fraunchise qe nul de ses tenauntz ne autre dedeinz 'sa fraunchise' ne respoundrent en Eyre ne ailleurs hors de sa fraunchise, mes qe les justices dil eyre maunderoient un de leur campaignouns deinz sa fraunchise qe ove le seneschal le dit Abbe oyeroient et terminerent touz les pleez touchauns le eyre deinz la dite fraunchise, et qe ses baillifs ne deverient leur charge reseivere par aillours si noun en la dite franchise. A qe les justices alleggerent le noun cleim de cede fraunchise dil primer jour, et agarderent qe sur ceo noun clainn qil demorast a leur juggement, et qe soun cleim mis al secunde jour lui fut sauve, sauve le dreyt le Roi et leur avisementz.

Et puis vint le Evesqe de Roucestre qe clama sa fraunchise de Roucestre en mesme le manere com labbe de Bataille fit, qe desus mesmes cel point reposa com fit le dit abbe. Et puis les baillifs de la fraunchise de la vile de Canterburie furent comaundez de rendre sus leur vergez pur ceo qe la dite fraunchise fust prise en la mein le Roi par certain cause et puis nient replevi. Et le vicount par les justices fut charge de la garde de la dite fraunchise.

Et puis vint la comunalte du dit conte qe fraunchise en avoient et chescun severalmnt mist soun cleim de sa fraunchise, et touz demorerent en jugement pur ceo qil ne vindrent point al primer jour de mettre leur cleim, etc.

### <sup>3</sup> TERCIVS DIES.

<sup>4</sup> La tierce jour dil Eyre touz les baillifs furent demaundez et furent enjoinz par les justices de fere venir deus bones gentz de chescun hundred par eux esluiz, les queux ensi le fesoient, et des queux gentz ensi esluiz les uns vindront et les autres nient. Et ceux qe vindront furent cermentez et chargez en la fourme susdite :—<sup>5</sup>

Ceo oietz vous justices qe jeo lealment elirai xvj. bones gentz de

<sup>1</sup> Text of three following paragraphs from *a*, collated with *β*; *γ*, *ε*, read :—

Et nota qe labbe de la Bataille & autres plusours clamerent leur fraunchises le secunde jour, & pur ceo qil ne les clamerent le primer jour furent a jugement del noun cleim. E pur ceo qe la fraunchise de Caunterbirs feust autretoiz prise en la meyn le roi par cause & nient replevie, fust comaunde al bailif de la fraunchise de rendre sa verge & issint list & les justices chargerent la viscounte de la garde de mesme la fraunchise.

<sup>2</sup> From *β*; *a* omits.

<sup>3</sup> Heading from *β*; Ad tercium, *γ*; other MSS. omit.

<sup>4</sup> Text of this section from *a*, collated with *β*, and compared with *γ*, *ε*.  
<sup>5</sup> Le tierce jour del eyre les baillifs avant jurez furent demaundez, & comaunde de fere venir les ij proehomes par eux esluiz, & issint firent; des queux esluiz ceus qe vindrent furent chargez issint, chescun severalmnt & en ceste manere, *γ*, *ε*.



Then came the Abbot of Battle who claimed a franchise after this sort, that no tenant of his nor any other whatsoever within his franchise was bound to make answer in Eyre or elsewhere without his franchise, but that the Justices in Eyre should send one of themselves within his franchise, that there, within his franchise, such Justice together with his, the said Abbot's, Steward, might hear and determine all pleas touching the Eyre within the said franchise; and, besides this, he claimed that his bailiffs should not be charged elsewhere than within his own franchise. But the Justices said that since the Abbot had not made his claim on the first day he must, by reason of such delay, remain under their judgment;<sup>1</sup> yet this without prejudice to the merits of his claim made on the second day, and subject to the King's rights and their own further consideration.

Then came the Bishop of Rochester, and he claimed his franchise of Rochester after the same manner as the Abbot of Battle. And the Bishop remained in the same plight as the said Abbot. Then the bailiffs of the franchise of the city of Canterbury were bidden to surrender their wands, the said franchise having been taken into the King's hand for certain cause, and not since then replevied. Then were the said wands restored, and the Sheriff was charged by the Justices with the wardenship of the franchise.

Then came of the community of the said county such as had franchises, and each one severally claimed his franchise; and to all of them was it awarded to await judgment by reason of their not having made claim on the first day.

### THE THIRD DAY.

On the third day of the Eyre all the bailiffs were called and were charged by the Justices that they should cause to come before them two good men out of each hundred, to be by them chosen. And so they did. And of those whom they so chose, some came and some did not. And they that came were charged and sworn in manner following:

This hearken to, ye Justices. Faithfully will I choose sixteen good

<sup>1</sup> The phrase '*a leur jugement*' seems clearly equivalent to the more ordinary '*dans le merci*'; see below *passim*, and

especially p. 27. For the difference between a '*fine*' and an '*amercement*' see Lambard's *Eirenarcha*, Bk. 2, c. 16.



moi et des autres de nostre<sup>1</sup> hundred que mieuz sachent et volent dire et fere ceo qe hom lour chargera de par le Roi, et qe tieux en seiont<sup>2</sup> qe ne seiont appellours ne appelletz ne entaglez en ple de la coroune ne meintenours de mauveis barretz ne de faus queeles en conte ne en hundred<sup>3</sup> ne par aillours en ceo conte<sup>4</sup> mes bones gentz et leal gentz<sup>5</sup> et nient suspecionous<sup>6</sup> qe ensi en frai,<sup>7</sup> et pur rien ne terra, "si dieu meit &c."<sup>8</sup>

Et puis furent chargez daler hors a faire sulom ceo qil furent sermentez et qil meïssont les nouns en un panel et qil les reportassent.<sup>10</sup>  
<sup>11</sup> E peus retournerent lour panels chescoun hundred severallment.<sup>11</sup>  
 Et de ceux qe ne vindrent point fut comande a viconte de oster femmes et enfauntz et seisin totes lour terres et lour chateux en la mein le Roi, et <sup>12</sup>de attacher lour corps issint qil les eust lendemein devant les justices.<sup>13</sup> Et chargerent le viscounte et les baillifs qil esluient altres en lour luz.<sup>14</sup>

<sup>15</sup> Et puis fut un William le Hore seriaunt du dit conte fet venir a la barre e apposee par les justices sil fut atteint de nule conspiracie en le darrein eyre, pur ceo qil fust trove deinz les xij. lues<sup>16</sup> encuntre le defens, pur ceo qe il fut accuse par bille; ou il respondi qe unques de nule conspiracy fut atteint, et de ceo voucha il record des roules de drein cyre. Et puis fut mis al meinprise de apparer de jour en jour si la qil eussent cerche le drein cyre.<sup>17</sup>

#### <sup>18</sup> ASSISE DE VITAILE.

<sup>19</sup> Et puis<sup>20</sup> vindrent le deux chivalers et les ij. serjauntz<sup>21</sup> qe estoient chargez le jour devant de mettre<sup>22</sup> assise de tote manere de vitaille, <sup>23</sup>et rendirent sus lour roule de lassise de ceo qil avoient assis. Et pur ceo qe avis fut a les justices qe lour assise fut trop haut mis, qe par entre eux se avisereïont qe mieuz serreit a faire. Et puis lendemayn vindrent les avaunt ditz assecours et prierent les justices qil abbregeassent par lour avisement si rien fut a abbreger de ceo qil avoient assis. Et puis<sup>24</sup> les justices respondirent que eux ne anotereïent ne

<sup>1</sup> mesme le.  $\gamma$ . <sup>2</sup> tiels esliray,  $\gamma$ .  $\epsilon$ . <sup>3-9</sup> &c. ut prins,  $\gamma$ . <sup>3-4</sup>  $\epsilon$  omits.  
<sup>5</sup>  $\beta$  omits. <sup>6-7</sup>  $\epsilon$  omits. <sup>8-10</sup>  $\epsilon$  omits. <sup>2-10</sup> qil eney le firent,  $\gamma$ . <sup>11-11</sup> From  $\gamma$ .  $\epsilon$ ;  $\beta$  omits. <sup>12-13</sup> qil eust le corps, lendemayn,  $\gamma$ .  $\epsilon$ . <sup>14-14</sup> doutt ceus qil vindrent lendemayn avoient lour terres deliverez a lour requeste, & ceus qil ne vindrent point fust comande al viconte de respoudre de lour issues de jour en jour, taunt qils venissent, nient countreestant qe lur terres & lur tenementz furent en la mayn le roi.  $\gamma$ .  $\epsilon$ : <sup>15-17</sup>  $\gamma$ .  $\epsilon$ , omit the whole paragraph;  $\alpha$ ,  $\beta$  insert. Text from  $\alpha$  collated with  $\beta$ . <sup>16</sup> doz,  $\beta$ . <sup>17</sup> Heading given by  $\beta$  only. <sup>19</sup> Text of this section from  $\alpha$  collated with  $\beta$ ,  $\gamma$ .  $\epsilon$ . <sup>20</sup>  $\beta$  omits. <sup>21-22</sup> avant esluz et jurez de assiser,  $\gamma$ .  $\epsilon$ . <sup>23</sup>  $\gamma$  omits from here to <sup>24</sup> page 11. <sup>24-29</sup> p. 11: e par lur serement assistent tote manere de vitaille en certeyn solom quele assise fust comande al viscounte al fere la crice par may la ville qe nul ne fast si hardy de vendre ne de acheter encontre la dite assise sur peyne qe appendoit,  $\epsilon$ . <sup>25</sup>  $\beta$  omits.





men from myself and the others of our hundred who best are fitted and most are willing to do that with which they shall be charged in the King's name ; that he neither complainants nor complained of, that he be not concerned in any plea of the Crown, nor maintainers of unfounded charges or false plaints in county court or in hundred court or elsewhere within this county, but good men and true shall they be, and of none suspected. So will I acquit myself, nor in aught will I fail, God helping me etc.

Then were they bidden to go forth and do even according as they had sworn, and to write the names on a panel and bring them with them again. And afterwards they made return of their panels, one for each several hundred. And touching those that came not, command was given to the Sheriff that he should oust their wives and children, and seize all their lands and chattels into the King's hand, and arrest their persons so that on the morrow he might bring them before the Justices. And in the room of these were the Sheriff and bailiffs charged to choose others.

Then was one William Hore, a serjeant of the said county, brought to the bar, and was examined by the Justices as to whether he had been attainted of any conspiracy during the last Eyre, seeing that he had been found within twelve leagues, contrary to the proclamation, and was accused thereof by bill. And to this he made answer that never of any conspiracy had he been attainted, and for this he vouched the record of the rolls of the last Eyre. Then was he put to mainprise to appear from day to day till the said rolls should be searched.

#### ASSIZE OF FOOD.

Then came the two knights and the two serjeants that on the previous day had been charged to assess an assize of every manner of food ; and they delivered up the roll of their assize as by them assessed. And because it seemed to the Justices that the rates in their assize were higher than they should be, they were bidden to take counsel amongst themselves whether they might not amend these. And then on the morrow came back these same assessors, and they prayed the Justices that wherein it seemed to them that the rates of their assize were too high they would advise them as to what lessening of them they should make. And then the Justices replied that they themselves might



abreggereient rien si noun par lour sermentz. Et puis les ditz asseours se acorderoient et asistrent le quarter de mellieur furment a vjs. <sup>1</sup>Et furment qe meinz vaille qil fut a meindre pris. Et le quarter de mellieur aveine a iijs. Et qe meins valeit etc. Et le mellour karkois a xij s. et qe meinz etc. Et le mellour caas de moton a xx d. et un bon vel a ij. soutz, et qe meins etc. Et une grasse owe a iiij. d. Et un gras purcel a vij d. <sup>2</sup>Et un capoun viij d., et une geline a ij d., et un pousin a j d. Et le jaloun de vin a iij d. Et le galoun de cervoise a j d.<sup>3</sup> Et puis fut comaunde<sup>4</sup> a vicount qil freit la crie par mi<sup>5</sup> la cite,<sup>6</sup> et qil freit crier cel assise. Et<sup>7</sup> qe nul ne fut si hardi de vendre plus cher nule manere de vitaille forsque sulom cel assise.<sup>9</sup>

<sup>10</sup> E puis vint la comunalte de tout le conte a la barre, e prirent a les justices qil purreient avoir lour usages, le queux il avoient usee tout temps et einz<sup>11</sup> ces hures apportez et alowetz en Eyre, e diseiont qe lour usages furent mult sur Gavelkynde<sup>12</sup> et autre maners usages qe ne furent neint acordaunz a la comune lei, et qe eux les vousisent alower quant eux vendroient sur celes pointz. Et les justices respoundirent qe la volente le roi ne<sup>13</sup> feut paas de lour oster<sup>14</sup> de lour usages. Et lour diseiont qe eux<sup>15</sup> le meissent en escrit lour usages, et qe eux freient alowaunce auxi avant come resoun le voleit.

<sup>16</sup> Et puis furent le dozeimes demande, et touz qe presenz furent chargez par tiel serment.<sup>17</sup> Ceo oietz vous justicez qe jeo leelment enquerrai et <sup>18</sup>frai choses qe vous<sup>19</sup> me chargerez de par le Roi, et le conseil le Roi et ses justices <sup>20</sup>bien et<sup>21</sup> lealment celera<sup>22</sup> et pur rien ne lerrai <sup>23</sup>si meit Deux<sup>23</sup> etc. E ceux qe ne vindront point fut <sup>24</sup>comandez a vicounte de oster lour femmes et enfauntz et de attacher lour corps, issi qil les eut lendemein.<sup>25</sup> Et fut comaunde a ceux qe furent iureez qil allassent a lostel et qil revenissent lendemain matin a lour peril.<sup>26</sup>

Et puis <sup>27</sup>lendemein a comencement<sup>27</sup> furent touz<sup>28</sup> le chivalers seriaunz et seneschaus<sup>29</sup> des graunz seignours du dit conte comaunde de venir a la barre, <sup>30</sup>qensi le firent et furent chargez<sup>31</sup> de par le Roi

<sup>1-2</sup> *β omits.* <sup>2-3</sup> e un capoun a iij d. e le galoun de servoysea ij d., *β.*

<sup>3-4</sup> solom qe<sup>3</sup> assise comaunde feust, *γ. ε.* <sup>5</sup> *β adds* tut. <sup>6</sup> ville, *γ. ε.*

<sup>6-7</sup> *γ. ε omit.* <sup>8-9</sup> ne de achater encuntre la dite assise sur peyne qe apendoyt,

*γ. ε.* <sup>10</sup> *γ. ε omit* this paragraph. <sup>11</sup> avaunt, *β.* <sup>12</sup> gavelkyndeneys, *β.*

<sup>13</sup> *β adds* lour. <sup>13-14</sup> fut nient a houstel, *β.* <sup>15</sup> *β omits.* <sup>16-17</sup> Pens furent

les xvi proclomes de cheun hundred denariez, qe vindrent, de ceux de cheun

hundred xij furent purez issint, *γ. ε.* <sup>17-18</sup> lealment presenteray ceo qe home, *γ. ε.*

<sup>20-21</sup> *γ. ε omit.* <sup>22</sup> *β adds* et lealment. <sup>23-24</sup> *β. γ. ε omit.* <sup>25-26</sup> fust le

proces ut supra, *γ. ε.* <sup>27-28</sup> *γ. ε omit.* <sup>29</sup> trestutz, *ε.*

<sup>30</sup> gens, *β.* <sup>31-32</sup> qi vindrent et les justices les chargerent, *γ. ε.*



assess or abate nothing save [as certified] by the oath of the assessors. And then the said assessors made agreement and assessed the quarter of best flour at six shillings. And flour of coarser kind was to be sold for less. And the quarter of the best oats was to be three shillings. And those of less fine quality etc. And the best carcass was assessed at twelve shillings, and those that were less worth etc. And the best whole-sheep was assessed at twenty pence; and a good calf at two shillings, and one that was less worth, etc. And a fat goose at four pence. And a fat young pig at seven pence. And a capon at eight pence, and a fowl at two pence, and a chicken at a penny. A gallon of wine at three pence, and a gallon of beer at a penny. Then was the Sheriff charged to make proclamation throughout the city of the assize of food, and that none should dare to sell any manner of food save at such prices as were therein rated.

And then came the community of the whole county to the bar, and prayed the Justices that they might be allowed their customs which they had ever been used to have; which ever up to the present time had been presented and allowed in Eyre; and these their customs, they said, were chiefly founded upon Gavelkind and upon other manners of customs which were not in accordance with the common law; and these they prayed the Justices to allow when they came to deal with those points. And the Justices answered that the King willed not that their customs should be taken away from them. And they bade them put their customs into writing; and then would they allow them so far as they were reasonable.

Then were the dozens called; and all such as appeared were charged upon their oath after this wise: Hearken ye to this, ye Justices. Faithfully will I make inquest and will do whatsoever ye shall charge me with in the King's name; and the counsel of the King and of his Justices well and faithfully will I hold fast, and in nought of all this will I fail, God helping me etc. And touching those that came not, command was laid upon the Sheriff that he should oust their wives and children, and their own persons attach, and on the morrow bring them up in court. And they which had been sworn were bidden to go to their lodgings and to return on the morning of the morrow at their peril.

And then the first thing on the morrow were all the knights, serjeants and stewards of the chief lords of the said county bidden to come to the bar. And so they came, and they were charged in the King's name to say



qil lour <sup>1</sup>deisoient si lour usages du dit conte fut tiel, <sup>2</sup>come il presenteeient en Eyre en Eglescherie<sup>3</sup> ou nent; et si lour usages fuseient tiels qil devient presenter, qe adonqe il presentereient la manere coment;<sup>4</sup> et qe eux lour feisoient assavoir de touz hi ceaux<sup>5</sup> qe furent mis en exigende en la fin dil drein Eyre, et les nouns de ceaux qe se rendirent puis<sup>6</sup> a la prisoun, et ensement les nouns de ceaux qe furent utlaghez.<sup>7</sup>

<sup>8</sup> Les queux emparlerent, & revyndrent & respoudirent par *Esmond Passele*, qe les usages qils avoient devaunt le temps William le Conquerour si avoient ils usee taunt qe a ore, & ceo par pees qe se prist entre lavaunt dit William le Conqueror & les gentz del countee, qi graunta a gentz del countee qil usent mesme le usage & les leys apres la conqeste com ils avoient devaunt; & dist qe avaunt le temps del conqeste unqes Englescherie ne feust presente en le countee, & sur ceo prirent as justices qil alowasent lour usages qe tut temps avoient usee avaunt le temps del Conquerour & peus. En droit des autres pointz des queux ils furent chargez ils prirent<sup>9</sup> avisement, qe graunte<sup>10</sup> feust; mes en droit de Englescherie les justices disoient: Seignurs, nous trovoms par record des rounles del prochein eyre tenuz en ceo countee qe Englescherie de felonie ad este presente en eyre, et ceo par ij de par le pere ou ij de par la miere, et pur ceo tut le countee a noz jugementz.

<sup>11</sup> Et peus fust comaunde qe tutes les diseynes venissent a la barre, & qe tout les autres voidassent la sale<sup>12</sup> & <sup>13</sup> Sire Hervy <sup>14</sup> come chief justice<sup>15</sup> lour moustra la cause de lour venue com il fist le primer jour<sup>16</sup>

<sup>1-4</sup> certefiasent si Englescherie soleit estre presente en le dit countee, et sil soleit, qil disoient coment et en qele manere. <sup>7</sup>. <sup>6</sup>. <sup>2-3</sup> qil devoient presenter en eyr Englescherie. <sup>3</sup>. <sup>5</sup> les nouns de tous ceus. <sup>7</sup>. <sup>6</sup>. <sup>6</sup> <sup>3</sup> omits. <sup>10-11</sup> <sup>7</sup>. <sup>6</sup> omit. <sup>8</sup> Text of this paragraph from <sup>7</sup> collated with <sup>6</sup>. The corresponding paragraph in <sup>6</sup> and <sup>3</sup> is as follows:--

<sup>8</sup> Les queux respoudirent al Englescherie qe devaunt le temps William le Conquerour il navoient nule Englescherie. Et puis en sa venue le dit conquerour lour graunta en pees fesaunt attels qil ne se combateroient ove lui touz lour usages qe eaux en avoient devant la conqeste, et qe unqe puis de nule englescherie ne se medleront ne en Eyre le presenteront. Et prirent a les justices qe eux lour alowassent lour usages solom le graunt le dit conquerour. Et en droit dil autre point dount il furent chargez, prirent jour de avisement. Et jour lour fut graunte. Mes a Englescherie respondu fut par les ditz justices qil troveront par record des Eyres precedenz qil devoient et avoient presente, et nomenent al Englescherie de felonie, et ceo de deus de part le pere ou deus de part la miere. Et pur ceo qil ne presenteront quant a ore come il soloient fere, tut le conte fut a jugement.

<sup>9</sup> <sup>6</sup> adds jour de. <sup>10</sup> <sup>6</sup> adds lui. <sup>11</sup> Text of this paragraph from <sup>7</sup> collated with <sup>6</sup>, <sup>3</sup>, <sup>6</sup>. <sup>12-13</sup> Et puis fut comaunde qe totes le gentz qe en la sale furent hors pris le baillif, et les dozeimes jurez qe eux voidassent la sale souz peine denprisonement et qe les dozeimes aprochassent a les justices doyer lour charge. <sup>6</sup>, <sup>3</sup>. <sup>14</sup> <sup>6</sup>, <sup>3</sup> add puis. <sup>15-16</sup> come chief justice from <sup>6</sup>, <sup>3</sup>; <sup>7</sup>, <sup>6</sup> omit. <sup>16</sup> cessioun, <sup>6</sup>, <sup>3</sup>.





if their customs were such that they presented Englishry in Eyre or not; and, if it were their custom to present it, after what form they so presented it; and they were bidden to inform the Justices of the names of all such as had been ordered at the close of the last Eyre to be put in exigent, and the names of those who were then committed to gaol, and also the names of such as were outlawed.

Then they went out to emparl and returned and made answer through *Esmond Passelle* that such customs as they had had since before the time of William the Conqueror had ever been their customs right up to the present day; and this had been so by reason of a peace made between the aforesaid William the Conqueror and the people of the county; for in the said peace it was granted to the people of the county that they should keep the same customs and laws after the Conquest as they had had before it. And Englishry, said they, had never been presented in that county previously to the Conquest; and so they prayed the Justices that they would allow the customs which their customs had been since before the Conquest and ever afterwards. And as touching the other matters of which they had been charged, they prayed that they might have time to consider them, and their prayer was granted them. But as touching Englishry, the Justices said: Sirs, we find it recorded on the rolls of the last Eyre held in this county that Englishry was presented in Eyre in matters of felony; and it was proved by two witnesses on the father's side and by two on the mother's side. And so the whole county must abide our judgment.

And then was it commanded that all the dozens should present themselves at the bar, and that all other people should withdraw themselves from the hall. And SIR HERVEY, as Chief Justice, made plain to them the cause of their coming, as on the first day he had done to the



a tut le countee, &<sup>1</sup> lour fist lyre les articles del eyre, &<sup>2</sup> distincter les.<sup>3</sup> E<sup>1</sup> a checune doseyne severaument livera les ditz articles & les chargea de rendre lour privites lendemayn; & qaunt as autres<sup>5</sup> articles, qil rendisent lour verdit al tierce jour. Postea placitaverunt.<sup>6</sup>

### Note from Eyre Roll.

Totus comitatus presentat quod nulla Englescheria presentatur in comitatu isto. Et quia compertum est per rotulos ulterius itineris et per alios rotulos

### 7 NOTA.

Et nota qe Englescherie est ou un hommee st tue, qe de saunc de part le pere ou de part la mere ij veignont devaunt le corouer sulom les usages du pais et provent le corps mort estre de lour sanc et en<sup>8</sup> Engleis cest Englescherie. Murdre est la ou prove de saunc nest, ne fortune ajujge.

<sup>9</sup> Et nota regula, Englescherie nient presente, murdre ajujge.

E puis comaunderont les justices<sup>10</sup> qe chescune examinaist de chescune vile les quatre hommes et<sup>11</sup> le provot, et qe eux le firent serments; et quant eus eussont presente a la dozeine ceo qe eaus seurent, qe adonqe fussent ostez de eaus.<sup>12</sup>

### II.<sup>13</sup>

*Inceptum fuit Iter Cancie die Dominica in Octabis Sancti Iohannis Baptiste, coram Herrico de Stauntone, Willelmo de Ormesby, Henrico Spigurnel & sociis suis apud Cantuariam, anno regni Regis Edwardi, filii Regis Edwardi, sexto.*

### COMMISSION UN DES JUSTICES.

En primes fesoient les justices lire lour commissioun & fut tiel: Edwardus &c. archiepiscopis . . . [The commission is set out as above.]

### RETORN DE VICOUNTE.

Et puis dit al vicounte qil retornast son bref. Et fut le bref tiel: Edwardus, &c. vicecomiti Cancie salutem . . . [The writ is set out as above.]

<sup>1</sup> a, β add puis.      <sup>2,3</sup> dount il lour charga, a, β.      <sup>4</sup> a, β add en eserit.  
<sup>4-6</sup> a, β omit.      <sup>7</sup> e omits.      <sup>7</sup> Note from a, aa, β. Heading given by β only.  
<sup>8</sup> β omits en.      <sup>9-12</sup> Reported only by a and β. Text from a collated with β.  
<sup>10-11</sup> β omits.      <sup>13</sup> Text of this version from c. As a whole it is not collatable with any other MS., and contains much information not found elsewhere.



whole county. And he caused the Articles of the Eyre to be read to them, and explained them. And to each dozen severally delivered he the said Articles, and he charged them to make return of such matters as were private on the morrow ; and so as to the other Articles they were bidden to return their answers on the third day. Afterwards were pleas pleaded.

#### Note from Eyre Roll (*continued*).

de precedentibus itineribus quod Englescheria presentatur in comitatu isto de feloniis tantum et hoc de masculis et per duos ex parte patris vel matris ad iudicium de toto comitatu.

#### NOTE.

Note that Englishry is this. When a man is killed two witnesses of his father's blood and two of his mother's blood go before the Coroner according to the custom of the country and prove that the dead man was of their blood ; and this in English is called Englishry. Murder it is where no proof of blood is given, nor misadventure found. And note that the rule is that where Englishry is not presented, judgment is of murder.

And then the Justices ordered that each [dozen] should examine the four burgesses and reeve of each town upon oath ; and that when these had made return to the dozen of all those matters of which they had knowledge then they should withdraw themselves.

#### II.

*The Eyre of Kent was begun at Canterbury before Hervey de Stauntone, William de Ormesby, Henry Spigurnel and their Associates on the Sunday within the Octaves of St. John the Baptist, in the sixth year of the reign of King Edward, the son of King Edward.*

#### COMMISSION OF THE JUSTICES.

In the first place the Justices caused their commission to be read, and it was after this wise :

Edward &c. to the Archbishops . . .

#### RETURN BY THE SHERIFF.

Then the Chief Justice bade the Sheriff make return of his writ. And the writ ran after this wise :

Edward &c. to the Sheriff of Kent greeting . . .



Et puis prist sire Hervy de Stauntone la verge du vicounte ; & puis ly fist jurrer, qe leaument fereit lofice qe al vicounte appendroit & leaument celereit le conseil le roi, & puis ly bailla sa verge ; & puis fesoit demander touz les vicountes, corouners, ou lour heirs qe avoient este puis drein eyre, & il vindrent & chescun de son temps ou del temps son auneceur porta ses roules en une bagge, & puis firent la bagge ensealer du seal le chief justice & escrire sur la bagge a qi ele estoit, & puis les rebaillierent a les parties tange il estoient demandez. Et en droit de un coroner qe avoit este, le vicounte retourna qil avoit nul heir, ne terre ne teneimenz navoit a temps quant il estoit corouer si non par reson de feme.

. STAUNTONE Estoit il corouer par election du conte.

*Le Vicounte* Sire oyl.

STAUNTONE Pur ceo qil lurent un tiel qi ne fut my suffisaunt respaigne tut le counte de son temp vers le roy dez pleez de la coroune, & tut le counte a jugement.

Puis fut un autre corouer demande qi ne vint point, fut agarde qe le vicounte prist ses terres en la mayn le roy & qil oustat feme & enfantz & qil prist son corps.

#### FRANCHISES CLAMEZ.

Puis vindrent ceux qe vodreient clamer franchises a la barre par lour seriantz en ceste manere qe dit : Veez icy eus qe volent clamer franchises, & mist avant une bille de ceo & fut entre en rouble.

Et puis fesoient les justices iiij criez. La primer tiel qe touz iceux qe furent atteinz de conspiracy en le drein eyr, ou devant sire Roger de Brabazon & ses compaignouns denquerir de conspirateurs, qil voidassent la ville de Canturbirs issint qil naprochassent la ville durant leyre a xii lieux envioun, sur peyne de forfeiture de terres & de chateux & son corps a jugement, & si nul de eux eyt a pleder qil venissent apres le plee attaine & qil mettent suz bille & seront meintenent delivers & meintenent retornent, issint qil pout aler & revenir en un jour. Puis fesoient un crie qe feyre ne marche fut tenue en





Then Sir Hervey de Staunton took from the Sheriff his wand, and then made he him to swear that faithfully he would perform such duties as appertained to the office of Sheriff, and faithfully would keep secret the counsel of the King; and then he restored to him his wand. Then caused he to be called all the sheriffs and coroners, or their heirs, who had held office since the last Eyre. These came, and each one of them bore in a bag the rolls of his own time or of his ancestor's. Then were these bags sealed with the seal of the Chief Justice, and upon each bag was written the name of him to whom it belonged; and then were these bags restored to the custody of the parties till they should be called for. And as touching one who had aforetime been coroner the sheriff made return that he had left no heir, neither had he lands nor tenements when he was coroner, save only in right of his wife.

STAUNTON J. Was he coroner by election of the county?

*The Sheriff.* Yes, sir.

STAUNTON J. Since they chose one who had not the necessary qualifications let the whole county of his time be responsible to the King in respect of the Pleas of the Crown, and let the whole county await judgment.

Then was another coroner called who came not. And the Sheriff was charged to seize his lands into the King's hand, to oust his wife and children, and to attach his person.

#### FRANCHISES CLAIMED.

Then such as claimed franchises came to the bar by their Serjeant's who made claim in this wise: 'See here those who claim franchises.' And then they produced bills containing the matter of their claims, and these were entered on the roll.

And then the Justices caused four proclamations to be made. By the first one it was commanded that all such as had been convicted of conspiracy during the previous Eyre, or before Sir Roger de Brabazon and his Associated Justices commissioned to hold inquest concerning conspirators, should withdraw themselves from the city of Canterbury and keep themselves distant therefrom the space of twelve leagues during the continuance of the Eyre, under pain of forfeiture of lands and chattels and judgment of body; and if any of such had plea to plead then might he come after the case was entered and put in a bill and thereupon he should straightway be delivered; so that straightway returning he might come and go within the day. Then they made proclamation that no fair nor market should be holden in any part



nule partie del counte aillures qen la ville de Canterbris durant leyre. Le terce eie, qe nul homme ne feme ne fuissent si hardy pur rienz prendre pur lower des hostels de nul homme qe fut venu a la ville par reson del eyre durrant leyre &c. Le iiij eie fut qe nule manere de plee fut plede en hundred en counte ne aillours hors de counte durrant leyre si noun devant justices cyranz, forspis play de terre par bref de dreit overt. Et certes cries fesoient prime en franceys & puis en Engleys.

## II DIES.

Le seconde jour fesoient il venir devant eux touz les baillifs du counte, les uns avoient vj hundreds & les uns plus, & ascunz avoient meynz. Et qaunt a un baillif sire HERVY ly dit :

Est vous baillif de celle hundred ?

Sire oyl.

LE JUSTICE. Veez qe vous seez digne vostre bailli & qe vous navez my este devant ses houres atteint de nule malveyte, & si vous avez alez a vostre mestre le vicounte & si dites & oustez vous, mes qe si vous enprignez le bailli & nous trovons tiel enchesoun, nous vous chastierons pur touz jours qe vous le sentirez a tote vostre vie.

*Le Baillif.* Sire jeo entenke qe vous me troverez bon & leal.

LES JUSTICES. Mettez la mayn al livre.

Ceo oyez vous justices qe jeo leaument eslirroy de chescun hundred en ma bailli deux prodes hommes qe meutz sachent & voilent leaument fere & verite dire de ceo qe vous les chargerons de par le roi & teles eslyrroy qe ne sunt appellours ne appelez ne utlagez ne meintenours de faux parties en hundred nen countez ne aillours en le counte, eynz bone gent & leal & noun pas suspicionous a vostre assient, & pur rienz ne lerroy qe ensi ne frey, si dieux me eyde & les seinz.

Puis fesoient les justices venir devant eux par les sermentz les baillifs iiij chivalers des meillours du counte, qe seront chargez daler en la ville de sercher les tavernes des vins, & sil trovassent des vins purriz qil faissent mettre les toneaux en la rieu & qil debrusassent les fonte des toneaux, & fesassent asseer par lour serment forment.



of the county during the continuance of the Eyre save in the city of Canterbury only. The third proclamation was that no man nor woman should presume to take any payment during the continuance of the Eyre for the lodgings of any who should come to the city by reason of the Eyre. The fourth proclamation was that no manner of plea should be pleaded in court of hundred or county nor elsewhere outside the county court except before the Justices in Eyre, save only plea of land by writ of right patent. And these proclamations were cried first in French and then in English.

#### SECOND DAY.

On the second day the Justices caused to come before them all the bailiffs of the county. Some of these were bailiffs of six hundreds : some of more and some of fewer. And when a certain bailiff came, Sir HERVEY STAUNTON said to him :

Are you bailiff of this hundred ?

Yes, sir.

THE JUSTICE. See to it that you be worthy of your office, and that before now you have not been attainted of any evil practices : or, if so you have been, get you to your master the Sheriff and confess it, and discharge yourself of your office : for if you maintain yourself in it, and we find sufficiently good reason to warrant us, we will indiet upon you such lasting punishment as you shall feel the smart of all the days of your life.

*The Bailiff.* Sir, I think you will find me good and true.

THE JUSTICES. Put your hand on the book.

‘ This hearken to, ye Justices. Faithfully will I choose from each hundred in my bailiwick two good men that be best informed, that will do faithfully and truth will tell concerning all things wherewith ye shall charge them in the King’s name ; and those whom I choose shall be no appellors nor appealed, neither outlawed men nor maintainers of fraudulent suits in hundred court nor county court nor in court elsewhere within the county, but good men and true shall they be and such as ye shall have no cause to suspect ; and in nought of all this will I fail, so help me God and the Saints.’

Then the Justices ordered that four of the best knights of the county, warranted by the oaths of the bailiffs, should come before them ; and these they charged to go through the city and make search in the wine-taverns ; wherein should they find wine that was musty then were they to have the barrels containing such wine taken into the street and the heads of these there to have stayed in. Likewise were



aveigne, charz, cervoyee & tote maner des vitailles a certaine assise, issint qil ne seit aperde des marchanz ne agravance du poeple, & issint fesoient par lour serment &c.

Puis vindrent les baillifs jurez, & si avoient mys en une escrowette adesprimes les nouns des hundredz & puis les nouns des ij prodes-hommes qil avoient luez; & fut les escrowette si large qe homme poeit enapres escrivir leynz les nouns de ceux hommes & les nouns de chescun hundred & de chescune ville; & de chescun dit hundred ou dite ville qe respount par sey mostrount avant une tiele escrowette, & puis fesoient les cleres affiler touz les escrowettes en une fillette, & comanderent qe touz les baillifs y fuissent illoges prest a landemayn & qil amovassent ovesqe eux ceuz qil avoient esluz, chescun homme de son hundred & de sa bailli.

A mesme ceu jour vindrent evesques, Abbes, Priours & autres seignours qi clamerent franchises.

LE JUSTICE. Pur ceo qe vous ne clamastez vostre franchise au primer jour vous [estes] a jugement, mes sauve lestat le roi & ceo qe al roi append nous resecevrons vostre eleime, & fut entre en roule *sicud quod talis &c. secundo die posuit clamacionem de tali libertate &c* & si mistreit il avant bille de fere venir les attoinez per tut leyre & les justices les resecut mel il lour dit qil lour besoygnerett qil fuissent illoges en propre persone qar lour general atorne ne lour vaudront point.

### IIJ DIES.

Al teree jour fesoient il demander ceux deux qi furent esluez de chescun hundred, & quant il vindrent fut commande qe un meist la mayn al livre & feist tiel serment.

Ceo oyez vous justices qe jeo leadment eslirroy xvi prodeshommes de moy & des autres de nostre hundred qi meutz sachent & voient verite dire. Et puis le serment qe le baillif fit paravaunt. Et puis jurra son compaygnoun, qe mesme le serment tendroit devers ly.

Et puis comanda les justices a un de lour cleres qil alast escriver les nouns en un escrowett & fere les escrosettez puis ensealez; & les uns des eslisours quant il furent demandez & ne vindrent point, fut agarde par ceo qe les baillifs ne les avoient pas auxi come ly fut comande, si fut le baillif a jugement. Et comande fut qe les &c en la mayn le roi & qil oustat feme & enfantz & prist son corps &c. issint





they upon their oath to assess wheat, oats, meat, beer, and all manner of victuals at a fixed selling price, such as should neither cause loss to the dealers nor distress to the people; and so they did upon their oath etc.

Then came the bailiffs who had been sworn; and these wrote upon several escrowets first the names of the hundreds and then the names of the two good men and true whom they had chosen, and the escrowets were of such size that the names of these men and the names of each hundred and of each town could be subsequently written thereon; and for each said hundred or said town that made several answer they produced a similar escrowet, and then the clerks filed all the escrowets upon a file; and all the bailiffs who were present were bidden to be in attendance on the morrow, bringing with them those whom they had chosen, each for his own hundred and bailiwick.

On this same day came certain Bishops, Abbots, Priors and other lords who claimed franchises.

THE JUSTICE. Seeing that you did not claim your franchise on the first day you are under judgment; yet, saving the King's estate and all that appertains to the King, we will receive your claim; and entry was made on the roll in this form: 'Seeing that such an one etc. on the second day made claim to such a franchise etc.' And if such proffered bills appointing general attorneys to act for them throughout the Eyre, the Justices received them, but told them that they must needs come themselves in person, for their appointments of general attorneys could avail them nought.

#### THE THIRD DAY.

Upon the third day the Justices called for the several two knights who had been chosen by each hundred, and when they came one was bidden to lay his hand on the book and make oath after this wise:

'This hearken to, ye Justices. Faithfully will I choose sixteen good men and true of myself and the others of our hundred that be best informed and that truth will tell.' And he made further oath in the same words as the bailiff had previously used. And then his companion swore in his presence that he would observe the same oath.<sup>1</sup>

And then the Justices charged one of their clerks that he should write the names on an escrowet and have the escrowets sealed. And some of the electors came not when they were called, and so the Court awarded that the bailiff should be under judgment, seeing that he had them not there as he had it in charge. And further it was ordered that the Sheriff should seize their lands into the King's hand and oust their wives and children and attach their persons to the end that he should

<sup>1</sup> Cp. form of oath still in use in swearing a Grand Jury.



qil ly ust &c a lendemain devant eux, & ceo fut agarde vers plusours. Et puis apres qaunt touz les eslisours des hundreds furent jurez, il fesoient jurer les baillifs du counte qil devaient eslir un xij<sup>me</sup> de meutz vaillantz de tut leur bailli a fere ceo qe home leur chargereit de part le roi & il fesoient en tiel manere.

## IIIJ DIES.

Al iiij jour il fesoient demander ceux elisours qi avoient fet defaute le jour precedent, & il vindrent. Demandez fut par les justices ou il estoient le jour devant, et il diseient leur excusacion diversement.

LE JUSTICE. Pur cele defaute si estes vous a jugement, & vous vicounte deliverez ly ses terres ; & fut il comande de mettre la mayn al livre, & fist le serment *ut supra*, & son compaygnoun *ut supra*, & puis fut comande a un clerk qil alast ovesques eux pur escrire les nouns. Et pur ceo qe les clers le jour devant avoient pris de chescun hundred qil escrivoient ij s., & la plaint fut fet a les justices et defendirent qe nul clerk pur l'escriture des nouns riens ne prissent sur peril qe appent. Et les justices qil ne savoit pas de ceo qil avoient. Et a cel jour si furent touz les xij<sup>mes</sup> de chescun hundredz de tut la counte par eux esluez.

## V. DIES.

Al v. jour furent les xii<sup>mes</sup> demandez, et le premier celly qe estoit elisour fut comande de mettre mayn al lyvre, et fit tiel serment.

Ceo oyez vous justices qe jeo leaument enquerroy de ceo qe homme me chargeroy de part le roi et le conseyl le roi & ceo justices leaument celeroy & pur rienz ne lirroy &c.

Et puis ses compaignouns jurerent qe mesme le serment qil avoit fait tendroit de leur part ; et un de la xii<sup>me</sup> fesoient defaute, meyn-tenant fut comande al vicounte de prendre sa terre en la mayn le roi & oster femme & enfauntz & prendre son corps & qil ly ust lendemain prest devant eux et qil respondre des issuez &c.

A mesme le jour vient Sire Berthohnew de Batesmere ovesqe totes



produce them before the Justices on the morrow. And this was done in respect of several. And when all the electors of the hundreds had been sworn, the Justices caused the bailiffs of the county to be sworn to choose a dozen of the worthiest men out of each bailiwick to do that with which they should be charged in the King's name ; and they made oath to do this after the aforesaid fashion.

#### FOURTH DAY.

Upon the fourth day the Justices called for those electors who had made default on the previous day, and they came. And when it was asked of them by the Justices where they were on the previous day, they severally made divers excuses.

THE JUSTICE. For such your default you are liable to judgment ; but, Sheriff, you may restore to him his lands. And then was he bidden to lay his hand on the book, and he made oath as above, and his companion likewise made oath as above ; and then was charge given to a clerk that he should go with them and inscribe their names. Now the clerks on the previous day had taken a several sum of two shillings in respect of each hundred of the names of the electors of which they had made inscription ; and of this was complaint made to the Justices ; and the Justices forbade any clerk to take any fee at all for the inscription of any name under peril of contingent penalty. And the Justices said that they did not know that the clerks had so done. And upon that day were all the dozens from every hundred throughout the county chosen by the electors.

#### FIFTH DAY.

Upon the fifth day were the dozens called, and the first named on the list, being one of the electors, was bidden to put his hand on the book, and he made oath in this wise :

'This hearken to, ye Justices. Faithfully will I make inquest of whatsoever I shall be charged with in the King's name ; and the counsel of the King and of you Justices will I faithfully keep secret ; and in nought of all this will I fail etc.'

And then his companions, each for himself, made oath in the same words as he had done. And when one of the dozen made default in appearance it was straightway commanded to the Sheriff that he should seize his land into the King's hand and oust his wife and children and attach his person and produce him on the morrow ; and that for doing all this he, the Sheriff, should be answerable.

On the same day there came to the bar Sir Bartholomew de Batesmere,



les chivalers de comunialte du counte de Kent a la barre, & dit fut par—

*Passeley.* Sire, cest bone gent sount du counte de Kent & unt diverses usages en Gevilkend desacordaunt a la commune ley, lez queuz usages il use de tut temps & vous priount sil vous plect qe vous voillez lour usage, qe chesent en divers cas qe homme ne put my susvenir de tut, nous vous bailleroms cy en une escrowett partie des usages escrutes, les autres qaunt il cherront en lour cas voillez allower solom ceo qe homme vous dirra qaunt il vendront.

STAUNTON. Bailletz cea celle bille, qar nous entendoms qe touz les usages sount la eynz.

*Passeley.* Nanyl mes nous prioms qe vous voilletz cele et les autrez allower qaunt vendront en lour cas.

STAUNTON. Il coveint qe touz seynt mys en certain, & pur ceo prenez vostre escrowette et avisetz vostre mentz & mettez leynz touz vostres usages, et ceo qe nous trouvoms qe vous avez use, et qe aillours en eyre ad estez allowe, homme les vous allowera bonnement, qar sachez qe homme ne vous tondra rien qe vous devez avoir de droit, et de ceo vous assiez hardiement.

GOLDINGTON. Prenez garde quel jour vous chalenges ces usages.

& sachez qe les xij meutz vaillanz de counte qe furent esluez de chescun counte paramount les iiij hors dereynz issint qe remeyndre les xii et ceste chos estoit fait hors de courte.

#### VI DIES.

Al vi jour fesoient jurrer des xii eynz qe ne furent avant jurrez ; auxi com un de la xii ne fut my demande, survint un & dit qe celly qe fut de la franchise de portz, priaunt qil ne ly mistrent pur alluire.

MUTFORD. Il ad terres en foreign.

Lautre dit qe le chartre de lour franchise voleit qe si ly fut un de franchise qi eyt terres foreyns qe pur rien de celes terres ne serrount il mys devant justices ne aillours en jurrez nen enquestes hors de la franchise.





together with all the knights of the community of the County of Kent ; and thus it was said by—

*Passeley.* Sir, these good people are of the County of Kent, and they have divers customs of Gavelkind which differ from the common law, which customs they have enjoyed from time immemorial ; and they pray you that you will, if so it please you, confirm these their customs ; which customs, indeed, are of such diverse kinds<sup>1</sup> that a man may not bear them all in his mind, and so here we tender to you inscribed on an escrowet some part of these customs ; and the rest of them we pray you to allow when any question concerning them shall arise, according to the testimony of those who shall appear before you.

STAUNTON J. Hand us your bill, for we understand that all the customs are mentioned therein.

*Passeley.* That is not so ; but we pray you to allow those therein mentioned, and the others when question concerning them shall arise.

STAUNTON J. It is desirable that all of them should be certainly set out ; so take back your escrowet, and, after full consideration of the matter, insert therein the whole of your customs ; and such of them as we find you have actually enjoyed and as have also been allowed in Eyre, we will freely confirm to you now ; for you may rest assured that you shall be shorn of nothing to which you are entitled ; and of that you need entertain no doubt.

GOLDINGTON J. Take care on what day you claim these customs.

Here it should be noted that<sup>2</sup> in choosing the twelve best men that were elected for each several hundred, sixteen in all were named, and four names subsequently struck off,<sup>2</sup> so that twelve remained ; and this was done out of court.

#### SIXTH DAY.

On the sixth day were sworn such of the dozens as had not previously made oath ; and when a certain one of a dozen did not answer to his call, there intervened one who represented him and said that he was of the liberty of the Cinque Ports, and prayed that this should be allowed as a good reason why his name should not be on the list.

MUTFORD J. He has land outside the liberty.

And the man said that the charter of their franchise ran to the effect that no one within the liberty having lands outside it should in respect of those lands be liable to be called upon to serve in juries nor inquests outside the liberty, either before Justices or elsewhere.

<sup>1</sup> Literally, 'apply to such different cases.' county were chosen from each county, besides the four struck off.'

<sup>2</sup> Literally, 'the twelve best of the



STAUNTON. Si un de la franchise fut de tiel poer qe poet purchacer a ly tut le counte, entendez vous qe tut esterroit a la franchise, et le roi deservy? Nanyl. Dautrepart si cesti ad purchace cestez tenementz foreynz puis la date vostre chartre ceo ne ly deit my gener, & comande ly fut jurrer.

Al vii jour fesoient venir devant eux les chivalers et seneschaux de grantz seignours & touz les tenantz de counte.

STAUNTON. Bonez gentz, ici sount certeinz pointz qi touchent les pleez de la coronne de quoi nous devoms estre acerte, pur quoi nous chalengoms si nule englecherie eyt estee presente en ceo counte ou deit estre presente, & puis aprez voloms savoir de vous combien de gentz furent mys en exigende a la fine du drein eyre, & combien de eux furent utlaiez, & combien se rendirent a la prisone, & combien de eux qi furent renduz este juyse, & combien furent deliveres & ceo nous dirretz al comencement.

#### ENGLESSHERY.

*Passeley.* Ceste bone gent vous prient, sil vous plect, qe vous les voillez respiter de ceste chose qe se puissent aviser.

MUTFORD. De ceo qe chiet en avisement homme lour grantera volunters respit, mes del premiere point devient il bien estre avisez, estre ceo englecherie doit estre presente en counte au noun, qe de ceo il vous covent respondre maintenant, mes des autres pointz sur quei chiet avisement nous les granteroms volenters respit.

*Pass.* Ceste bone gent si vous dient qe qaunt le conquerour vint en Engleterre, a la bataille furent touz occis forsque ceux qe furent en le drein eschele qe furent de Kent, issint qe par entre le Conquerour & eux accorde se prist, issint qe le Conquerour les granta touz lour franchise & lour leys quels il avoient use avant, mes avant le conquete nule englecherie fut estee en Engleterre, pur quei il dient qe en cele counte nule englecherie ne deit estre presente.

STAUNTONE. Nous prenomz eux response de bone gent du conte & nemy de vous, comun seriant.<sup>1</sup>

MUTFORD. De puis qil donne cele response pur eux & il nel dedient pas, nous le tenoms a grante.<sup>2</sup>

STAUNTONE. Pur ceo qe vous dites qe englecherie ne deit estre

<sup>1</sup> *sc.* of the county.

<sup>2</sup> Because this is not a pleading but a formal answer to the Justices' question, and therefore the county can be amerced for falsity therein.



STAUNTON J. Supposing one of the liberty were so rich that he could buy all the county, do you mean to tell me that he could tack it all on to his land within the liberty, and so there should be none to serve the King? No, no. Moreover, if this man has purchased these tenements since the date of your charter, he has no cause of complaint. And the Court ordered him to be sworn.

Upon the seventh day were summoned before the Court the knights and the stewards of the great lords, and all the chief tenants of the county.

STAUNTON J. Good people, there are here some certain matters touching the Pleas of the Crown of which we ought to be certified. We demand of you, therefore, whether Englishry has ever been presented in this county or whether it ought to be presented; and also we desire to know from you how many people were put in exigent at the end of the last Eyre, and how many of them were outlawed, and how many of them surrendered themselves, and how many of them were condemned, and how many were acquitted. And of these matters you will now tell us forthwith.

#### ENGLISHRY.

*Passeley.* These good people pray you that, if it so please you, you will allow these matters to be respited till they have had time to advise themselves.

MUTFORD J. Touching all those matters on which they may fairly seek to advise themselves they shall have respite willingly; but on the first point they ought already to have full knowledge. Englishry ought either to be presented in this county, or it ought not; and on that matter you must put in a reply forthwith. But as to the other questions, concerning which you may reasonably ask for time in which to advise yourselves, we willingly grant you respite.

*Passeley.* These good people tell you that when the Conqueror came to England all were slain in the battle save those who were in the last line, and they were men of Kent; and so between the Conqueror and them was treaty made by which the Conqueror confirmed to them all the franchises and laws which they had had aforetime. Now before the Conquest there was no Englishry presented in England, and therefore they say that in this county no Englishry ought now to be presented.

STAUNTON J. We take this answer from the good people of the county, and not from you, Common Serjeant.

MUTFORD J. Since he makes this answer on their behalf, and they acquiesce in it, we hold them bound by it.

STAUNTON J. Since you say that Englishry ought not to be



presente en ceo counte & nous trouvoms par record des roules du drein eyre qe englecherie ad este presente en ceo counte par ij plus prochains de part le pere & ij plus prochains de part la mer, tut le counte a jugement. Et en droit des autres pointz vous donoms respit davisier tanque a Lundy, & puis il ferrient charger & comander qe touz yceux qi ne furent my sermentez voydassent la sale sur peyne denprisonement. Et qaunt les articles furent parlieuz, dount fesoient il deliverer touz les articles en escrit a chescun xij<sup>me</sup>, & ceo fut le Samady avant-dit, & comande qe ceo qe cherreient en conseil qe eux le liverassent Lundy al matyn. Et en droit des autres pointz avoient il jour tanque a Judy prochain ensuant.

Et puis dit :—Beaux seignours, chose qe chiet en conseil si est chose dount celly qe serra atteint portera juyse de vie & de membre.

Et sount les choses dount il furent chargez ceux.

De pontibus . . . [The Articles of this Eyre are set out, *q.v. infra*.]

#### PLACITA CORONE.

Les xii qaunt il furent chargez des articles del eyr dount lour fut jour done de rendre suiz lour privez le seconde jour & quant il avoient rendu suiz lour privez, done lour fut jour de cel jour en le tierce jour de rendre suiz lour verdit de tut les articlez, a quel jour il rendirount lour verdit en ceste forme. Lour dit fut tut escrit enrroulez, & a cheseun article il covendront qil respondront severalment, a cele article dient issint, & a tiel article il ne savoient rien dire, & issint touz les articles severalment par ordre, & apres ceo qe les privez furent livez suiz as Justice; meyntenant issint bref al vicounte de prendre les enditez, & auxi bref al vicounte dattacher touz ceux sur queux response fut presente des articles qe ne tuchent vie ne membres, & issint qe il les ount devant eux par bone meynprise, & puis prist Sire Rauf de Werr<sup>1</sup> Chief clerk de la corone les roulez & fist demander la xii<sup>me</sup>. Et qaunt il furent venuz a la barre,

<sup>1</sup> The Patent Roll gives the name of this official as Robert de Hauville.





presented in this county, and since we find it recorded in the rolls of the last Eyre that Englishry has been presented in this county by the two nearest relations on the father's side, and the two nearest relations on the mother's side, therefore all the county is under judgment. As touching the other matters, we grant you respite till Monday that you may advise yourselves.

Then the Justices ordered that charge and commandment be made that all such as had not taken oath should withdraw themselves from the hall under pain of imprisonment. Then the Articles were read; and the Justices caused copies of all the Articles in writing to be given to each dozen; and this was on the Saturday aforesaid. And charge was given to them that they should return answers on those matters touching which they needed time to advise themselves on the following Monday morning. In respect of other matters they had till the Thursday next ensuing.

And then THE JUSTICE said: Fair Sirs, that is a matter for advisement of which if a man be attainted he shall suffer judgment of life and limb.

And these are the matters with which they were charged.<sup>1</sup>

#### PLEAS OF THE CROWN.

When the dozens had been charged with the Articles of the Eyre, the second following day was assigned to them for making return as to the private matters; and when they made such return touching private matters then was the third day assigned to them for returning their verdicts on the whole Articles; and on that day and in form following they were charged to make return. And that return was to be written on a roll, and to each Article they were to make several reply. As to such an article they were to say so-and-so, and as to such another they were to say that they had no information; and so they were to go through all the Articles in order, after that they had made return as to the private matters to the Justices. Then straightway was a writ directed to the Sheriff for the arrest of such as had been indicted, and a further writ to the Sheriff to attach all those who were touched by the return made to the Articles in relation to matters not involving judgment of life or limb and to see that their attendance was secured by sufficient mainprise. Then Sir Ralph de Werr, the Chief Clerk of the Crown, took up the rolls, and caused a dozen to be called. And when these appeared at the bar he began to read the

<sup>1</sup> For the Articles of the Eyre see p. 28.



commença il de lire les premiers presentments, auxi come il fut entrez en roule, en Franceys. Et puis fist il la xii<sup>me</sup> presenter mesme ceo a la barre en Engleys.<sup>1</sup> Et un desacordassent & rien a leur premier presentment contrarier.<sup>1</sup> Le jugement fut tiel qil alastent a la prisonne tanqe il eussent fait fine al roi. Mes pur ceo qe nous enbusoygnoms de vous tut en jour, dit les justices, vous demuretz hors de prisonne sauve nepurqaunt ceo qe al roi appent, saver fine.

Puis qaunt il avoit issi comence en bank de leur presenter, sen alerount Sire William de Hotone<sup>2</sup> & Sire John de Mutford en la prisonne ou la place estoit ordene, & fesoient venir devant eux les corouners ove leur roubles, qe furent en bagge ensealez de seal les justices, & adeprimés fesoient chescun corouer & son clerk tieu serment faire :—

Ceo oyez vous Justices qe jeo leaument lirroy ceo qest continue deinz mes roubles sanz rien mettre du moen & leaument ecleroy le conseil le roi & de ses justices et verite dirroy de ceo qe homme me chargeroy de par nostre seignour le roy, & pur rienz ne lirroy &c.

LES JUSTICES Par le serment qe vous avez fait, baillastes a nul le transcrit de vos roubles puis la somons de eyre.

Les uns respondout qe oyl.

MUTTFORD. En droit de ceo vous demouretz ove nous en jugement.

Et puis demanderent les justices leur bagge.

Veez ycy.

Et puis comaunda as corouners qil prissent hors leur roubles, issint qe chescun jour al lever des Justices si asselerount leur bagge ; et Jendemeyne les corouners ne serrount my si hardif de over la bagge ci la quel les Justices les ussent vewe ensealez auxi com leur fut baille et dount prist le chief clerk les roubles de une xii et comencea de lire leur presentment devant eux auxi com il furent presente et entre en roule, saver de tiel article vous ne savez, & de tiel article vous dites issint, tanqe il furent venuz as aventoures, pur ceo qil presenterent touz les aventoures.

<sup>1</sup> The text is obviously corrupt, but the meaning is probably as given opposite.

<sup>2</sup> There was no such judge on the commission. Probably Sir William Goldington is meant.



first presentments, as they were entered on the roll, in French. Then he made the dozen present the same at the bar in English. And neither disagreement with, nor aught contrary to their first presentation, must there be; and if there were, then the judgment was that they must go to prison till they had made fine with the King. But, said the JUSTICES, since we shall want you presently, you need not go to prison, so long as the King's rights are saved, that is, if you make fine.

Then, when this commencement of presentments had been made in Bank, SIR WILLIAM DE HOTON and SIR JOHN DE MUTFORD went to that part of the prison which had been appointed for the purpose, and there called before them the Coroners with their rolls, which were in the bags that had been sealed with the seal of the Justices. Then, in the first place, they caused each coroner and his clerk to be sworn in this wise:

'Hearken to this, ye Justices. Truly will I read these inquests contained within my rolls, and nought of my own will I add thereto. Faithfully will I keep secret the counsel of the King and his Justices, and truth will I speak of all those matters with which I shall be charged in the King's name, and in nought of all this will I fail etc.'

• THE JUSTICES. By the oath which you have taken, have you given to anyone a copy of your rolls since you were summoned to the Eyre?

And some of them acknowledged that they had.

MUTFORD J. Then for that you will await our judgment.

Then the JUSTICES called for their bags.

'Here they are.'

Then the Coroners were bidden to take their rolls out of the bags, but so that at the rising of the Court each day the bags were re-sealed, and no Coroner was to venture to open his bag on the following morning until the Justices had seen the seals unbroken, as when the bags were delivered to the Coroners. Then the Chief Clerk took the rolls of one of the dozen and began to read their presentments before them as they were presented and entered on the roll, speaking after this fashion. 'as to such an Article you say that you know nothing; and as to such an Article you say so-and-so'; until he came to the misadventures, seeing that of them a complete return was made.



## I III.

<sup>2</sup> PLACITA ITINERIS CORAM HENRICO DE STANTONE ET SOCIIS SUI  
JUSTICIARIIS DOMINI REGIS ITINERANTIBUS APUD KANTUARIAM IN  
OCTABIS SANCTI JOHANNIS BAPTISTE ANNO REGNI REGIS EDWARDI  
FILII REGIS EDWARDI VI<sup>o</sup>.

JUSTICE. <sup>3</sup> Bone gentz, <sup>3</sup> nostre seigneur le Roy ad maunde Sire  
Henri de Spigurnel, Sire William de Ormesby, Sire Johan de Muttefort,  
Sire William de Goldyngtone et moy a tenir les plees del Eyr al honour  
de dieu et Seynt Eglise et du Roy et de sa courone et al profit de  
soen pople pur sa pes meyntenir et pur ceo vous orretz nostre com-  
mission. Et quant la commission fut lu commanderent al vicounte  
qil liuerast<sup>4</sup> sus lor<sup>5</sup> brefs, et quant il auoit <sup>6</sup>retorne les brefs<sup>6</sup> il  
commanderent qil rendist sus la verge, et quant il auoit ceo fet  
le vicounte les pria qil ly ostasent il respondit qil ne voleint pur ceo  
qil auoit la baillie de si haut place, par quei luy ostereient poynt sil  
ne tronassent encheson, et luy baillierent<sup>7</sup> la verge et luy firent iurer  
de nouel en ceste manere.<sup>8</sup>

Ceo oyetz vous Justices que ieo lealment celeray le conseil le Roy  
et vos conseils et pur rien ne lerray qe lealmentis ne fray ceo que  
vous moy commanderetz de par le Roy et ceo qe appent a office de  
vicounte a moun power, sy moy ayde dieu et ces seyntz.

Et pus luy demaundent le Justices sil vosit qe nul home respondissit  
pur luy et le vicounte mist a<sup>9</sup> autres homs qe furent charges [issint].

Ceo oyetz vous Justices qe ieo lealment attacheray<sup>10</sup> et lealment  
presenteray<sup>11</sup> et lealment fray les execuciens qe appendent a nostre<sup>12</sup>  
office durant ceste Eyre et le conseil le Roy et les vos celeray, si moy  
ayde dieux et lez seyntz.

## BREVE GENERALIS SUMMONITIONIS.

E pus fut le bref de la somons generale lu, qe fut tiel Rex vice-  
comiti Kancie salutem [etc, as above . . .] Teste me ipso apud  
Wyndesore xiiij die Maij Anno Regni nostri sexto.

E pus fesoyent demaunder touz les vicountes, ou lor heirs, qe  
auoient este pus le dereyn Eyre, <sup>13</sup>e quant ils vindrunt dit fut a eux  
qyl liverassent suys lur roulles enseles en un bag<sup>13</sup> chescun de son

<sup>1</sup> Text of this version from γγ, collated with κ. <sup>2-3</sup> κ omits heading. <sup>3-7</sup> From  
κ: αλ omits. <sup>4</sup> retornast, κ. <sup>5-6</sup> ceo fait, κ. <sup>7</sup> rebuylla, κ.  
<sup>8</sup> forme, κ. <sup>9</sup> κ omits. <sup>10-11</sup> κ omits. <sup>12</sup> mon, κ. <sup>13-14</sup> From κ;  
γγ omits.





## III.

PLEAS OF THE EYRE BEFORE HENRY DE STANTON AND HIS ASSOCIATES, JUSTICES IN EYRE OF OUR LORD THE KING, SITTING AT CANTERBURY, ON THE OCTAVE OF SAINT JOHN THE BAPTIST IN THE SIXTH YEAR OF THE REIGN OF KING EDWARD, THE SON OF KING EDWARD.

JUSTICE. Good people. Our Lord the King has commissioned Sir Henry de Spigurnel, Sir William de Ormesby, Sir John de Muttefort, Sir William de Goldyngtone, and myself to take the Pleas of the Eyre to the honour of God and Holy Church and the King and his Crown, and to the profit of his people and for the maintenance of his peace. And to that end you will now hearken to our Commission.

And when the Commission was read the JUSTICE bade the Sheriff produce his writs, and when he had so produced them, then was he bidden to render up his wand. And when he had done this, the Sheriff prayed that he might be discharged from his office; but the Court told him they were not willing to do that, for he had the incumbency of so high an office that they could not discharge him from it except for good cause shown; and then they returned his wand to him, and caused him to be resworn after this wise:

'Hearken to this, ye Justices. Faithfully will I keep secret the counsel of the King and your counsel, and in nought will I fail in faithfully performing so far as in me lies whatsoever you shall charge me with in the King's name, as well as all that pertains to the office of Sheriff; so help me God and the Saints.'

And then THE JUSTICES asked him if he were willing that any man should serve as his deputy; and the Sheriff put forward some other persons, who were sworn in this wise:

'Hearken to this, ye Justices. Faithfully will I make such attachments, presentments and executions as shall appertain to our office during this Eyre; and the counsel of the King and yours will I keep secret; So help me God and the Saints.'

## WRIT OF GENERAL SUMMONS.

And then was read the Writ of General Summons, which was in this wise: The King to the Sheriff of Kent, Greeting. [etc. as above]. Witness Myself at Windsor, the thirteenth day of May, in the sixth year of Our reign.

And then the Justices caused to be called all who had been Sheriffs since the last Eyre or the heirs of such; and to them, when they answered, it was given in charge to deliver up their rolls in sealed bags, each



temps, et<sup>1</sup> les enquestes de enditementz etc. E demande fut de chescun vicounte qe vint, ou son heir, sil avoyen nul bref de ballie. E fait a sauver qun vicounte vint qe liuera sus touz les comunes plees du counte, et dit fust a ly par les Justices qil ne voleynt auer si noun lez roules prestetz<sup>2</sup> et les enditementz et les pleez qe tocherent la Coroune. Et<sup>3</sup> un vicounte dit qil nauoyt nient les roules prestetz, qil dit ces roules furent en un malette,<sup>4</sup> e soen valet prist un Malette<sup>5</sup> pur un autre, et pria iour tauntque lendemeyn.

E SIRE HERVI dit qil ne porreint ceo faire, mes il vous couent sure la ley, et comaudent le vicounte qil prist garde a son corps et seysit ces teres en la mayn le Roy. E pus vynt un valet et porta vne malette<sup>6</sup> oue les Roules, et pus vynt cesti qe fut comaunde en garde et pria grace des Justices, et les Justices disoyent qil granterent volunteres saue lestat et le droit le Roy.

#### CORONATORES.

E pus furent demandez lez coroners ou lor heirs, les quels quant il vyndrent rendirent sus lor Roules chescun de son temps en une Bagge, et le Justice ensla la Bage et la rebaila<sup>7</sup> a celuy qe la porta, et les comaunda qil les avoynt prestetz quant il serront demandez.

*Defectus.*] Et fait a sauver qe si nul qe fut demande et neo venist poynt, le quel ceo fut coroner ou heir du coroner, fut comaunde a vicounte qil seysit en la mayn le Roy les chateux et les terres e oster femme et enfans et qil vst son corps lendemeyn deuaunt euls.

*Nota.*] E nota si fusent pluours heirs de vn coroner touz furent demandes, e le vicounte auoyt retorne touz les<sup>8</sup> nouns, et si lun parcener seit en cort e eit lez roules le comune<sup>9</sup> auncestre e les rende, les roules serrount resceux<sup>10</sup> tut ne seyent ces parceners en cort, et les parceners <sup>9</sup>par encheson de lor absence<sup>10</sup> quant a ceo<sup>11</sup> ne serrount mye punis. *et patuit de Johanne de Rarisham*<sup>12</sup> et *parcenariis suis.*

*Nota.*] E nota qe la ou un coroner fut mort et son heir fut demande, qe vynt auant et dit qe les roules neo vyndrent vnques en sa saisine<sup>13</sup> mes en les meyns les executors son pere, A, B, C, qe furent

<sup>1</sup> saver, κ.    <sup>2</sup> κ omits.    <sup>3</sup> κ *adls* fet a saver qe.    <sup>4</sup> male, κ.    <sup>5</sup> κ *adls* arer.  
 lur, κ.    <sup>7</sup> κ omits.    <sup>8</sup> κ *adls* de ly.    <sup>9-10</sup> κ omits.    <sup>11</sup> cel foyz, κ.  
<sup>12</sup> Renham, κ.    <sup>13</sup> mayn, κ.



one for his own time, and also the inquests on indictments, &c. And of every Sheriff or Sheriff's heir who appeared was enquiry made whether he had any writ against bailiwicks. And you must note that when a certain one who had been Sheriff came and delivered up all the common pleas of the county, it was said to him by the Justices that they required only the rolls of presentments, the indictments, and the pleas touching the Crown. And there came a certain other one that had been Sheriff, who said that he had not the rolls of presentments; for, said he, these rolls had been put into a certain bag, and his servant had mistaken one bag for another; and so he prayed that he might have till the morrow.

And SIR HERVEY said that they could not grant him this indulgence, for he ought to know the law. And so command was given to the Sheriff to arrest his person and seize his lands into the hand of the King. And afterwards there came a servant bearing a bag wherein were these rolls; and then came he whose arrest had been ordered; and he prayed his pardon of the Justices, and the JUSTICES said that willingly they granted it, saving only the King's estate and right.

#### CORONERS.

Then were the Coroners called, or their heirs. And they, when they came, gave up their rolls, each one for his own time, in bags; and THE JUSTICE sealed each bag, and redelivered it to him who brought it; and commanded that they should have them in readiness when they should be called for.

*Default]* And you must note that if any who are called came not, whether he were Coroner or heir of Coroner, command was laid upon the Sheriff to seize his chattels and land into the King's hand, to oust his wife and children, and to hale him before them on the morrow.

*Note]* And note that, if there were several heirs of a Coroner, all these were called; and the Sheriff had made return of all their names. And if but one parcener was in Court, and he had the rolls of the common ancestor and proffered them, the rolls were accepted, notwithstanding that his co-parceners were not in court; and those co-parceners were liable to no punishment, so far as this particular matter was concerned, by reason of their absence. And this is clear from the case of John de Ranesham and his parceners.

*Note]* And note further that when a Coroner was dead and his heir was called, and appeared and said that the rolls had never come into his possession, but were in the hands of his father's executors, A., B. and C.,



meyntenant demandez saunz autre proces, e ceuls qe neo vyndrent poynt furent meyntenant<sup>1</sup> comaunde de seysir lor teres en la mayn le Roy et mettre hors femmes et enfantz et auoir lor corps deuant euls lendemayn, et le heir voleit auer ale quites, et le Justice dit qil ne poeit <sup>2</sup>si legerement eschaper, ne qyl purrait<sup>3</sup> estre descharge par son simple dit, et fut comand au vicounte de prendre garde a son corps.

*Nota.]* Et nota simpliciter<sup>4</sup> qe le executour un Coroner, qe auoit les roules en garde apres la mort le<sup>5</sup> coroner, fut mort, et suen heir fut demande et ne vynt poynt, par quei fut comande de seysir les terres <sup>6</sup>en la mayn le Roy<sup>6</sup> *ut supra*. Et ceuls qe furent comande a la prison <sup>7</sup>*ut supra* prirent de trouer meynpris, et le Justices ne voleynt granter, qar il dit qil ne furent mye repleuisables. En mesme la manere quant <sup>8</sup>le heyr fut de deyntz age <sup>9</sup>et en garde,<sup>9</sup> et le gardein et le heir vindrent per comune somons, et quant le heir fut demande le gardeyn et le heyr vindrent et disoent qe les roules furent en la mayn les executors qe neo furent mye la, par quei le heir fut comaunde en garde etc.

*Nota.]* Et nota qe la ou le heir vn coroner dit que les roules son pere furent en <sup>10</sup>garde de<sup>10</sup> executors. A, B, C, quels vindrent et disoyent qil ne furent mye executors faites par le testatour, mes il neo furent forsque surveors faites per les ordiners et en tiel maner auoyent administracion.

SIRE HERUI agarda,<sup>11</sup> pur ceo qe vous auetz conu qe vous aurtz administracion vous respondretz de roules.

Et il voleyent aler pur querir les roules *et non potuerunt*, mes furent comaundes en garde et le heir oueque, et il disseit qe la femme le coroner fut executrice ioynt oue euls, et ele fut demande et ne vynt poynt, par quei fut agarde de seysir ces teres etc.<sup>12</sup>

Et en mesme le heire vn coroner liuera sus ces pleez en quayer et ne mye en roules.

E SIRE HERUI neo les voleit poynt resceyure pur suspencion qil furent forges, mes il ly comaunda a la prisone et ces teres seysir etc.

*Eodem modo* la ou coroner fut mort et le vicounte testmoygna qil nauoit nul heir enherite par my ly et qil nauoyt teres ne tenementz forsque de droit sa femme, tut le Counte fut charge de respondre pur son temps et de ces Roules et de ces faites, et pur ceo qe tut le Counte

<sup>1</sup> κ omits.

<sup>2</sup> From κ; γγ omits.

<sup>3</sup> ensement, κ.

<sup>4</sup> From κ; un, γγ.

<sup>5-6</sup> κ omits.

<sup>7-8</sup> κ omits.

<sup>9-10</sup> from κ; lefant, γγ.

<sup>11-12</sup> κ omits.

<sup>10</sup> la mayn ses, κ.

<sup>11</sup> κ omits.

<sup>12</sup> ut supra, κ.





these executors were forthwith called without further process, and when they came not, order was made that their lands should be seized into the King's hand, their wives and children ejected, and themselves arrested and brought before the Court on the morrow. The heir thought to go free, but the JUSTICE said he could not get off so lightly, and could not be discharged upon his own mere statement; and the Sheriff was ordered to keep him under arrest.

[Note] And note also that the executor of a deceased Coroner that had the deceased Coroner's rolls in his possession dying, his heir was called, and did not appear; and thereupon order was made that his land should be seized into the King's hand, as above. And those that were committed to prison as above prayed that they might be allowed to find mainprise; but this THE JUSTICES would not grant, for they said that they were not replevisable. In the same way, when an heir was within age and under wardship, and both heir and guardian came in obedience to the common summons; and, the heir being called, both guardian and heir came and said that the rolls were in the hands of executors who were not present, was the arrest of the heir in consequence ordered.

[Note] And note the case where the heir of a Coroner said that his father's rolls were in the custody of executors, A., B. and C. And these came and said that they were not executors appointed by the testator, but by the Ordinaries, and in this manner only had they administration.

SIR HERVEY STAUNTON J. adjudged that 'because you have allowed that you have the administration, therefore you are responsible for the rolls.'

And these executors wanted to go away and look for the rolls, but this they were not allowed to do; and they were put under arrest, and the heir as well. And the heir now said that the Coroner's wife was executrix jointly with the others; and so, she being called and coming not, command was made that her lands be seized etc.

In this same Eyre the heir of a Coroner gave up his pleas in quire<sup>1</sup> and not in roll.

And SIR HERVEY STAUNTON J. would not receive them, suspecting that they were forged; and he committed the heir to prison, and ordered his lands to be seized etc.

In the same way, a Coroner having died, and the Sheriff reporting that he had left no heir, neither had possessed lands or tenements save in the right of his wife, the whole county was made responsible for his time of office, and for his rolls and his acts; and, because the whole

<sup>1</sup> i.e. in sheets or membranes attached to each other at one end.



elust un Coroner de lor peril, estre ceo tut le Counte fut ajuge,<sup>1</sup> pur ceo qil elurunt tiel coroner qe nauoit terres ne tenementz suffisauntz destre en tiel office.

*Nota.*] Et nota qe la ou un vicounte fut demande et neo vynt poynt, mes vn vynt et myst avant pur luy la <sup>2</sup>protection la roy, pur ceo qe il fut outre mere, fut dit qe la<sup>3</sup> proteccion ne fut pas allowable en comun somons<sup>4</sup> de Eyre, pur quei fut comaund de seysir ces teres etc. *ut supra*.

#### <sup>4</sup>PROCLAMACIO.

Pus<sup>5</sup> fesoent les Justices crier qe touz ceuz qe furent atteyns de conspiraeye en le drein eyre deuant sire Roger de Brabason Justice de traillbaston, quels voydassent la ville<sup>6</sup> issi qe nul approchat la ville par xij lues envioun durant le Eyre, e sil vssent a pleder ou fussent empledez vyngnent a lor jour et <sup>7</sup>mettent auant bille<sup>8</sup> et mesme le iour serrount deliueres, issint qe mesme le iour pussent retorner. E pus fesoyent un autre crie qe nul fayre ne marche fussent tenu en le Counte de Kente durant le Eyre ne nul marchaundie forsque en la cyte de Kantebirs sour peril qe appont.

*Item* qe nul court de baron fut tenu neo nul plee plede en la Counte de Kente <sup>9</sup>ne ayllours en le counte<sup>2</sup> durant le Eyre, forpris breve de droit ouert et appels en Counte. *Item* un autre<sup>3</sup> qe fut fait, qe nul de la cyte de Cantebirs neo poent lower de mesons <sup>10</sup>durant leyr<sup>11</sup> de nul qe fut venu pus leyre.

*Ad alium diem* comaunde fut par le Justices au vicounte qil fait venir ij chivalers del Counte et deux serians, *et sic fecit*, et ceuls furent chargez par serment daler par tot la vile de Cantebirs et asaier les vyns, et ceuls qil trourent porriez ou altres qe bones, debruser les toneles, et les vyues couenables e payn et serueys et carcois de boefs e des pors<sup>12</sup> e de tote manere de vitaille, furment et aveynes asser<sup>13</sup> a couenable et certeyn pris, issint qe les marchands neo soyent poynt<sup>14</sup> perduz ne le pople trop greve ne la ville enchire<sup>15</sup> par encheson de nos venues. E issint fesoynt il.<sup>15</sup>

E pus comanda la Justice au vicounte qe les fait auer les nouns des chiefs Baillifs de Hundred auxi bien de denz franchise cum de

<sup>1</sup> amercie, κ.    <sup>2-2</sup> from κ; γγ omits.    <sup>3</sup> from κ; γγ omits.    <sup>4</sup> crye, κ.  
<sup>κ</sup> adds apres.    <sup>6</sup> κ adds mayntenaunt.    <sup>7-8</sup> boitte avaunt ville, κ.    <sup>9</sup> κ adds crye.  
<sup>10-10</sup> κ omits.    <sup>11</sup> porikes, κ.    <sup>12</sup> assayer, κ.    <sup>13</sup> trop, κ.    <sup>14</sup> encherly, κ.  
<sup>15</sup> et sic fecerunt, κ.



county elected the coroner at their peril, the whole county was furthermore put under judgment because they had elected such a coroner, one that had neither the lands nor the tenements to qualify him for the office.

[*Note*] And note, too, that when one who had been Sheriff was called and came not, but there came one who produced on his behalf the King's protection, granted because he was beyond sea, it was declared that such protection was not allowable as against the general summons of Eyre, and so order was given to seize his lands etc. as above.

#### PROCLAMATION.

Then the Justices caused proclamation to be made that all such as had been attainted of conspiracy during the last Eyre [or] before Sir Roger de Brabazon, Justice of Trailllebaston, should withdraw themselves from the city and should not be found within twelve leagues of it during the continuance of the Eyre ; and that if any such should have to plead or should be impleaded they should come on a day to be assigned to them and put in a bill, and on the same day they should be delivered, so that on that same day they might also return. And then the Justices caused another proclamation to be made forbidding fair or market to be holden in the County of Kent during the continuance of the Eyre, and also all trading, save in the city of Canterbury only, under the peril thereupon contingent.

Also that no court baron should be held and that no plea should be pleaded in the county court of Kent, nor elsewhere within the county, during the continuance of the Eyre, save writ of right patent and appeals in the county court. Also was further proclamation made forbidding anyone in the city of Canterbury to let houses during the continuance of the Eyre to anyone who had come there since the commencement of the Eyre.

Upon another day the Justices ordered the Sheriff to summon two knights of the county and two serjeants ; and so he did. And these were charged upon their oath to make peregrination throughout the whole city of Canterbury and make trial of the wine ; and when they found any that was musty or other than good, they were to stave in the casks ; and the wines of good quality and bread and beer and carcasses of oxen and pigs and of every manner of meat, wheat and oats they were to assess at fixed and reasonable prices, such as would neither ruin the traders nor press too heavily upon the people, and so prevent the city suffering detriment by reason of the coming of the Justices. And this they did. And then the Justice charged the Sheriff to bring up the names of the chief Bailiffs of Hundreds, as well those within franchises as without.



hors. Et le Justice dit al vicounte: Voyez qe vous ne facet venir deuaunt nous nul baillif qe seit atteynt de conspiracye ne conspiratour ne entangle<sup>1</sup> de plee de la corone neo meyntenour de nul maueis baret ne rien suspesenus,<sup>2</sup> sus quant qe vous poez forfere au Roy. E le vicounte dit qil ne conusoit point lour condicions, et pria qe charge euls mesmes sur peril qe apent, et donques furent les baillifs<sup>3</sup> chargez en cele manere.

JUREE.<sup>4</sup>

Ceo oyez vous Justices qe vous lealment elirrez deux prodes hommes de chescun hundred de vostre baillie qe meutz sachent et voillent lealment faire et verite<sup>5</sup> dire qe home lour chargera de par le Roy, et ceuls elirrez qe ne sount appelleours neo apeles neo entanglez<sup>6</sup> de nul pleo de corone ne mayntenours de faux parties<sup>7</sup> ne de maueis baretis en counte ne en hundred neo nul partie aillours, mes bone gens et leals et nyent suspecenous, et pur rien ne lerrez qe issi ne freez a vostre assient, si dieux vous ayde et les seyntz.

E un baillif vint et dit qe fut endite deuant Justices de trailllebaston et fut aquite dautre bone gens, et nyent countre-teaunt tel entanglement<sup>8</sup> il fut sermente *ut supra*.<sup>9</sup> Et quant il auoit eslu etc., mostra<sup>10</sup> le nouns de les deus<sup>11</sup> homes en une panele et rendirent sus lor paneles, et ceuls deus hommes furent demandez et furent chargez qil deueront elire xvj<sup>12</sup> prodeshommes et<sup>13</sup> de eux et de altres qe meuch<sup>14</sup> sachent etc.,<sup>15</sup> en mesme la manere<sup>15</sup> *ut supra*.

## NOTA.

Et fait a saver qe touz ceaux qe vnt franchise, il covent qil la cleymment le primer iour de Eyre. E sil<sup>16</sup> venge le seconde iour, par taunt ne serra mye la franchise perdu, mes serra auge pur ceo qil ne chalenga naye al primer iour *ut patuit de abbate de Bello*<sup>17</sup> qe vynt le seconde iour.

E SPIGURNEL salve au Roy le noun cleyme del Eyre et le punissement qe a ceo appent, nous vous resseuerons<sup>18</sup> volunteris a<sup>18</sup> vostre claim.

*Et ita factum fuit de multis aliis.* Et aseuns vyndrent par chalenger lur franchise<sup>19</sup> en propre person<sup>19</sup> et aseuns par attorne par bref fait en la chauncellerie. E le<sup>20</sup> Counte de Gloucestre<sup>20</sup> vint par attorne

<sup>1</sup> from κ; utlage, γγ.    <sup>2</sup> suspencion, κ.    <sup>3</sup> ils, κ.    <sup>4</sup> Heading from κ; γγ omits.    <sup>5</sup> κ omits.    <sup>6</sup> from κ; utlage, γγ.    <sup>7</sup> fausine, κ.    <sup>8</sup> from κ; utlagement, γγ.    <sup>9</sup> prius, κ.    <sup>10</sup> ils moustrent, κ.    <sup>11</sup> κ omits.    <sup>12</sup> xii, κ.    <sup>13</sup> κ omits.    <sup>14</sup> from κ; γγ omits.    <sup>15-17</sup> κ omits.    <sup>16</sup> κ adds ne.    <sup>17</sup> γγ adds campo.    <sup>18-19</sup> κ omits.    <sup>20-21</sup> κ omits.    <sup>22-23</sup> vescounte de Lancastre, κ.





And the JUSTICE said to the Sheriff: 'See that you do not allow to come before us any bailiff who has been attainted of conspiracy, or any conspirator, or any one involved in any plea of the Crown, or maintainer of false suits, or any suspicious person,' on peril of forfeiture to the King. And the Sheriff said he was not cognizant of their antecedents, and prayed that they might be sworn at their own risk; and then were the bailiffs sworn in this wise:

## OATH.

'This hearken to, ye Justices. You will faithfully choose two good men and true out of each hundred in your bailiwick, such as be best informed and most willing will be to do faithfully, and truth to speak, touching all matters wherewith they shall be charged in the King's name; and such only shall you choose as be neither appellors nor appealed nor involved in any plea of the Crown, nor be maintainers of false suits nor bringers of unfounded charges in county court or in hundred court or elsewhere whatsoever, but true and good men shall they be, and of none suspected; and in nought of all this will ye fail so far as in you lies; so help you God and the Saints.'

And a certain bailiff came and said that he had been indicted before the Justices of Trailllebaston, and had been acquitted by a jury of good men; but notwithstanding this matter which had been charged against him he was sworn as above. And when the Bailiffs had chosen the two men they showed their names upon a panel, and gave up the panels; and those two men were called, and were charged to choose sixteen good men and true of themselves and others, such as were best informed etc. in the same manner as above.

## NOTE.

It is to be noted that all those who have a franchise must claim it on the first day of the Eyre. And if one should put off coming until the second day his franchise will not necessarily be forfeited thereby, but he himself will be under judgment because he made not his claim on the first day, as appears in the case of the *Abbot of Battle*, who came on the second day.

And SPIGURNEL J. said: 'Saving the King's rights through the failure to claim on the first day of the Eyre, and the penalty attaching thereto, we will willingly receive your claim.'

*And so it was done in many other cases.* And some came personally to claim their franchises, and some by attorneys appointed by writs issuing from the Chancery. And the Earl of Gloucester appeared by



et fut receu deuant Sire Henri de Spigurnel auant le Eyre en un autre counte. Et touz ceuls qe tyndrent par Baronie se proferent al primer iour, *ut patuit de Oxinford<sup>1</sup> et aliis*. Et le counte fit ces attornes deuant euls par bille generale<sup>2</sup> en tous les pleez del Eyre. E le counte pria qe les attornes poient fere attorne.

E STANTONE dist qil ne pout,<sup>3</sup> qar il fut vn especial grace reservee au Roy mesmes.<sup>4</sup>

#### NOTA DE ATTORNATIS.

Et NOTA qe un general attorne fait par bref put fere attorne en son lieu <sup>5</sup>en un pleez par bille *sic*:—‘Talis generalis attornatus talis Abbatis ponit loco suo talem versus talem in tali placito.’

E pus apres quant les ij prodeshomes furent jurez de eslire etc., il retornerent <sup>6</sup>les espaeles de xvj,<sup>7</sup> et les iiij furent tretz hors<sup>8</sup> e a donques furent les xij iurez en ceste manere.

#### SACRAMENTUM.

Ceo oyetz vous Justicez qe vous lealment <sup>9</sup>enquerrez e verite dirrez de ceo qe home vous chargera de part le roy e le conseil le roy e ses justices lealment<sup>10</sup> celeretz et pur rien ne lerretz etc.

#### PENA PRO DEFALTA.

E si nul de xij ne vynt poynt quant il fut demande, fut comaunde de seisir ces terres etc., et de oster femmes et enfaunz, et qil ust son corps a lendemeyn etc., mes quant il vyndrent a lendemain e prierent grace les Justices, lor diserent qil furent aiugez, saver amerciez, pur ceo qil ne vyndrent <sup>11</sup>a oure,<sup>12</sup> et comaunderent a vicounte de oster la mayn de lor teres etc., et donques furent il sermentez ouesque lor compaynouns. E si le baillif ne ust pas son corps a lendemayn, il fut comaunde a la prisone sil neo poast doner bon respouns.

#### CLAMUM.

Et fait a sauver qe les une gens clamarent<sup>13</sup> lor franchise<sup>14</sup> tiel qe nul baillif le Roy ne deit rien fere denz la franchise si noun par

<sup>1</sup> comite Oxonie, κ.    <sup>2</sup> attornes generals par bille deuaunt eux, κ. <sup>3</sup> 7 3 κ adds mie fere.    <sup>4</sup> κ omits mesmes.    <sup>5</sup> en son lieu, κ.    <sup>6</sup> le panel de les xii, κ.   
 <sup>8</sup> lyrs, κ.    <sup>9</sup> from κ; γγ omits.    <sup>10</sup> ere, κ.    <sup>11</sup> κ adds aver.   
 <sup>12</sup> κ omits.



attorney, and was received by Sir Henry de Spigurnel at Eyre in another county. And all those who held by baron's tenure entered appearance on the first day, as appears in the cases of *Oxinford and others*. And the Earl appointed these attorneys in the presence of the Court for all his pleas before the Eyre by a general bill. And the Earl prayed that these attorneys might have licence to appoint deputies.

And STAUNTON J. said that this he could not grant, seeing that it was an especial matter of grace reserved to the King himself.

#### NOTE CONCERNING ATTORNEYS.

Note that a general attorney constituted by writ may appoint an attorney in his room in a plea by bill in this form: 'Such an one, being general attorney of such an Abbot, puts such an one in his room in such a plea against such an one.'

And then, after the two good men and true had been sworn to choose, etc., they made return of panels containing sixteen names, of which four were struck off, and then the remaining twelve were sworn in manner following.

#### OATH.

'Hearken to this, <sup>1</sup>ye Justices.<sup>1</sup> Faithfully will you make inquest and truth will say of all matters wherewith you shall be charged in the King's name; and the counsel of the King and of his Justices you will faithfully keep secret, and in nought of all this will you fail, &c.'

#### PENALTY FOR DEFAULT OF APPEARANCE.

And if any of the dozen came not when he was called, command was given that his lands be seized, etc., and that his wife and children be ousted, and that he himself be brought up on the morrow, etc. But when such an one came on the morrow and prayed pardon of the Justices, he was told that he was under judgment, that is to say amerced, by reason of his not making timely appearance; and then command was given to the Sheriff to release his land from the King's hand, and he was sworn along with his colleagues. And if the bailiff did not produce him on the morrow and could allege no sufficient reason for not doing so, he was committed to prison.

#### CLAIM.

And also you must note that certain persons claimed to have a franchise after this kind, to wit, that the King's Bailiff had no authority

<sup>1</sup> Both MSS. have these words. Perhaps we must understand that the viner first addressed the Bench—'Hearken to this'—and then turned to

the dozen and administered the oath. Or possibly the word 'Justices' is misplaced, and should come at the head of the line introducing them as the speakers.



defaute del Baillif, issint qe la ou le hundred fut entere <sup>1</sup> de la franchise<sup>1</sup> la elust lo baillif de la franchise .ij., et <sup>2</sup> ou meyte<sup>3</sup> del hundred<sup>4</sup> ou parcele ifut<sup>5</sup> la esclust il oueque<sup>6</sup> baillif le Roy. <sup>7</sup> Et fait a sauver que le baillif de Wyne fut comaunde de faire le serment cum les autres auoynt fait.<sup>8</sup>

Et sur ceo vynt labbe de la bataille et clama dauour franchise qe nul ministre le Roy, Justice <sup>9</sup> neo altre<sup>9</sup> ne deit plee tenir neo altre chose faire qe touche la franchise <sup>10</sup> forsque de denz la franchise<sup>11</sup> mesmes, qar il dit quant le Roy vodra eyre tenir il maunderont en sa franchise vn Justice qe ensemblement oue le Seneschal de la franchise fesoent quant qe apent al eyre, et noun pas aillours hors de la franchise; et mesme cele franchise clamerent les cyteseyns de Roucestre dauver deynz lor mours. E chescun<sup>12</sup> iour fut crie qe <sup>13</sup> chescun baillif fait<sup>13</sup> venir lour xij cy la qe fussent touz jurez. Et quant il furent touz jurez les justices fesoent lire les chapistres del Eyre deuant eauz, et a chescun xij baillierent un Roule des chapistres, et comanderent qil meissent<sup>14</sup> touz lor priuetes en bille et qil [les] liuerassent sus le secund iour apres sur peyne de emprisonement; et en droit des autres articles, iour fut done <sup>15</sup> de avisement<sup>15</sup> tantqe <sup>16</sup> v. iours,<sup>16</sup> qil rendissent les autres articles sous meime la peyne. Puis fesoent crier qe toutz les parties qe auoient a pleder qil venissent auant pur suere lor pleges.<sup>17</sup>

### <sup>18</sup> HIC INCIPIUNT ARTICULI ITINERIS KANCIE.<sup>19</sup>

1. De veteribus placitis corone que alias fuerunt coram justiciariis <sup>20</sup> itinerantibus & non fuerunt terminata.<sup>20</sup>

2. <sup>21</sup> De hiis qui sunt in misericordia <sup>22</sup> domini regis<sup>22</sup> & non sunt amerciati.

3. De novis placitis corone que postea emeruerunt tempore pacis.

4. De wallettis & puellis qui <sup>23</sup> solent &<sup>23</sup> esse debent in custodia domini regis <sup>24</sup> qui sunt<sup>24</sup> & qui illos habent<sup>25</sup> & quantum terre ille<sup>26</sup> valent <sup>27</sup> per annum<sup>28</sup> & per quos fuerunt elegati.<sup>29</sup>

<sup>1-4</sup> *κ omits.*    <sup>2-3</sup> *la ou demi, κ.*    <sup>3-4</sup> *fut de la franchise, κ.*    <sup>5</sup> *κ omits.*  
<sup>6</sup> *ensemblement od le, κ.*    <sup>6-7</sup> *κ omits.*    <sup>8</sup> *divers, κ.*    <sup>9-10</sup> *κ omits.*  
<sup>10-11</sup> *κ omits.*    <sup>11</sup> *de jour en, κ.*    <sup>12-13</sup> *touz les baillifs fesoent, κ.*    <sup>13</sup> *feissent, κ.*  
<sup>13-15</sup> *from κ; γγ omits.*    <sup>16-18</sup> *al quinto jour, κ.*    <sup>17</sup> *hosoynges, κ.*  
<sup>18</sup> The articles of the eyre are given by *a, aa, β, δ, ζ, v.* The earlier articles are omitted by *β* and *ζ*, also by *aa* owing to the loss of a folio. The text is from *ζ* collated with and corrected from the other MSS.    <sup>19-21</sup> *Incipiunt articuli de quibus querere debet, β;* *Articuli itineris, v;* other MSS. omit.    <sup>21-23</sup> *non terminatis, v;* *a omits itinerantibus.*    <sup>24</sup> *a and v transpose articles 2 and 3; the order in the text is unusual.*    <sup>22-25</sup> *a omits; v omits domini.*    <sup>25-27</sup> *sunt &, a;* *v omits.*    <sup>21-24</sup> *v omits.*    <sup>25</sup> *tenent, v.*    <sup>26</sup> *eorum, a, v.*    <sup>27-28</sup> *a omits.*    <sup>28-29</sup> *& per quem, a;* *v omits.*





to act in such franchise save only in default of the bailiff of the franchise; so that when a whole hundred was within the franchise the bailiff of the franchise chose both of the good men and true, and when only half of the hundred or a smaller portion of it was within the franchise, then he chose them in conjunction with the King's bailiff. And you are to note that the bailiff of Wye was commanded to take the oath even as the others had done.

And now came the Abbot of Battle, and claimed to have such franchise as that no officer of the King, neither Justice nor other man, might hold pleas or do ought else that touched the franchise save within the franchise itself. And when the King, said he, shall will to hold an Eyre, then shall he send into the franchise a Justice who, in conjunction with the Steward of the franchise, shall do all that appertains to the Eyre, and this shall not be done elsewhere than within the franchise. And this same franchise the citizens of Rochester claimed to possess within the circuit of their walls. And every day cry was made that the several bailiffs should bring up their dozens, so that all of them might be sworn. And when these were all sworn, then did the Justices cause the Articles of the Eyre to be read to them, and to each dozen they delivered a roll containing these Articles; and they commanded them to put all their private matters on to a bill and make return of them on the second day afterwards, under penalty of imprisonment; and as touching the other Articles respite was given them for consideration for the space of five days, when they must make return under the same penalty. Then was cry made that all those who had pleas to plead should come forward and sue their pleas.

#### HERE BEGIN THE ARTICLES OF THE EYRE OF KENT.

1. Of the old pleas of the Crown which at other time were before the Justices in Eyre and were not concluded.

2. Of such as be in the mercy of our Lord the King, and have not yet made fine.

3. Of new pleas of the Crown subsequently entered in time of peace.

4. Of youths and maidens who are wont to be and ought to be in the wardship of our lord the King; who they be and in whose present custody they be; what be the yearly value of their lands, and to whom is such yearly value paid.



5. De dominabus que<sup>1</sup> sunt de donacione<sup>1</sup> domini regis<sup>2</sup> sive sunt maritate sive maritande & si sunt maritate quibus & per quem & quantum terre earum valent per annum.

6. <sup>3</sup> De ecclesiis que sunt in donacione domini regis que<sup>4</sup> ecclesie ille<sup>4</sup> sunt & qui illas habent<sup>5</sup> & per quem & quantum ecclesie ille<sup>6</sup> valent per annum.

7. De eschaetis domini regis que sunt & qui illas tenent & per quem & <sup>7</sup>per quod servitium<sup>7</sup> & quantum valent <sup>8</sup>per annum<sup>8</sup> tam de terris Normannorum<sup>1</sup> quam de aliis & si que teneantur sine waranto capiantur in manu domini regis.

8. <sup>10</sup> De serianciis domini regis que sunt & qui illas tenent & per quem & cuiusmodi seriancie ille sunt & quantum valent & <sup>11</sup>per quod redditum.<sup>11</sup>

9. De purpresturis factis super dominum regem <sup>12</sup>sive in terra sive<sup>12</sup> in aqua <sup>13</sup>sive alibi in quocumque loco fuit.<sup>13</sup>

10. De hiis qui ceperunt denarios ab hiis qui hospitati sunt extraneos contra assisam factam.<sup>14</sup>

11. De mensuris assignatis<sup>15</sup> per regnum si servate sunt sicut provisum fuit & si custodes mensurarum aliquot<sup>16</sup> ceperunt mercedem ab aliquo ut possint <sup>17</sup>emere per unam mensuram & vendere per aliam<sup>17</sup> et hoc intelligatur de omnibus mensuris tam<sup>18</sup> de ulnis et ponderibus quam de aliis mensuris & si assisa latitudinis pannorum servata sit sicut provisum fuit & si quis ceperit mercedem pro pammis venditis contra assisam.

12. De vinis venditis contra assisam in <sup>19</sup>civitatibus burgis <sup>20</sup>villis mercatoris & in<sup>20</sup> aliis villis <sup>21</sup>ubi vina vendita sunt qui ea vendiderunt & quot dolia per annum & per quot annos.<sup>21</sup>

13. <sup>22</sup> De thesauro invento.

14. <sup>23</sup> De wrekkio maris.

15. De vicecomitibus & aliis ballivis qui convenire faciunt<sup>24</sup> wapentagia vel hundreda pro inquisicione facienda de morte hominis vel hutesio levato & non secuto<sup>25</sup> vel de aliis placitis corone<sup>26</sup> & ibi ceperunt misericordias pro defaultu.

<sup>1-1</sup> esse debent in custodia, v. <sup>2</sup> r adds et sunt. <sup>3</sup> a and v transpose articles 6 and 7; the usual order is as in the text. <sup>4-1</sup> v omits. <sup>5</sup> tenent, v. <sup>6</sup> ei terre, v. <sup>7-7</sup> quid servitiis reddant per annum, v. <sup>8-8</sup> a, v omit. <sup>9</sup> nativorum, v. <sup>10</sup> v transposes articles 8 and 9. <sup>11-11</sup> que servicia reddunt, a; quid servitiis reddant per annum, v. <sup>12-12</sup> in terra vel, a; in terris et, v. <sup>13-13</sup> vel alibi ubicunque fuerit vel in libertate, a; in libertate vel extra, v. <sup>14</sup> v omits. <sup>15</sup> juratis, a. <sup>16</sup> a, v omit. <sup>17-17</sup> per aliam mensuram emere vel vendere, v; <sup>18</sup> omits mensuram. <sup>19</sup> <sup>20</sup> <sup>21</sup> <sup>22</sup> <sup>23</sup> <sup>24</sup> <sup>25</sup> <sup>26</sup> <sup>27</sup> <sup>28</sup> <sup>29</sup> <sup>30</sup> <sup>31</sup> <sup>32</sup> <sup>33</sup> <sup>34</sup> 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<sup>832</sup> <sup>833</sup> <sup>834</sup> <sup>835</sup> <sup>836</sup> <sup>837</sup> <sup>838</sup> <sup>839</sup> <sup>840</sup> <sup>841</sup> <sup>842</sup> <sup>843</sup> <sup>844</sup> <sup>845</sup> <sup>846</sup> <sup>847</sup> <sup>848</sup> <sup>849</sup> <sup>850</sup> <sup>851</sup> <sup>852</sup> <sup>853</sup> <sup>854</sup> <sup>855</sup> <sup>856</sup> <sup>857</sup> <sup>858</sup> <sup>859</sup> <sup>860</sup> <sup>861</sup> <sup>862</sup> <sup>863</sup> <sup>864</sup> <sup>865</sup> <sup>866</sup> <sup>867</sup> <sup>868</sup> <sup>869</sup> <sup>870</sup> <sup>871</sup> <sup>872</sup> <sup>873</sup> <sup>874</sup> <sup>875</sup> <sup>876</sup> <sup>877</sup> <sup>878</sup> <sup>879</sup> <sup>880</sup> <sup>881</sup> <sup>882</sup> <sup>883</sup> <sup>884</sup> <sup>885</sup> <sup>886</sup> <sup>887</sup> <sup>888</sup> <sup>889</sup> <sup>890</sup> <sup>891</sup> <sup>892</sup> <sup>893</sup> <sup>894</sup> <sup>895</sup> <sup>896</sup> <sup>897</sup> <sup>898</sup> <sup>899</sup> <sup>900</sup> <sup>901</sup> <sup>902</sup> <sup>903</sup> <sup>904</sup> <sup>905</sup> <sup>906</sup> <sup>907</sup> <sup>908</sup> <sup>909</sup> <sup>910</sup> <sup>911</sup> <sup>912</sup> <sup>913</sup> <sup>914</sup> <sup>915</sup> <sup>916</sup> <sup>917</sup> <sup>918</sup> <sup>919</sup> <sup>920</sup> <sup>921</sup> <sup>922</sup> <sup>923</sup> <sup>924</sup> <sup>925</sup> <sup>926</sup> <sup>927</sup> <sup>928</sup> <sup>929</sup> <sup>930</sup> <sup>931</sup> <sup>932</sup> <sup>933</sup> <sup>934</sup> <sup>935</sup> <sup>936</sup> <sup>937</sup> <sup>938</sup> <sup>939</sup> <sup>940</sup> <sup>941</sup> <sup>942</sup> <sup>943</sup> <sup>944</sup> <sup>945</sup> <sup>946</sup> <sup>947</sup> <sup>948</sup> <sup>949</sup> <sup>950</sup> <sup>951</sup> <sup>952</sup> <sup>953</sup> <sup>954</sup> <sup>955</sup> <sup>956</sup> <sup>957</sup> <sup>958</sup> <sup>959</sup> <sup>960</sup> <sup>961</sup> <sup>962</sup> <sup>963</sup> <sup>964</sup> <sup>965</sup> <sup>966</sup> <sup>967</sup> <sup>968</sup> <sup>969</sup> <sup>970</sup> <sup>971</sup> <sup>972</sup> <sup>973</sup> <sup>974</sup> <sup>975</sup> <sup>976</sup> <sup>977</sup> <sup>978</sup> <sup>979</sup> <sup>980</sup> <sup>981</sup> <sup>982</sup> <sup>983</sup> <sup>984</sup> <sup>985</sup> <sup>986</sup> <sup>987</sup> <sup>988</sup> <sup>989</sup> <sup>990</sup> <sup>991</sup> <sup>992</sup> <sup>993</sup> <sup>994</sup> <sup>995</sup> <sup>996</sup> <sup>997</sup> <sup>998</sup> <sup>999</sup> <sup>1000</sup>



5. Of ladies whose marriage is in the gift of the King, and whether they be married or to be married ; and if they be married, to whom they are married, and also the yearly value of their lands, and to whom such value is payable.

6. Of churches which be in the gift of our lord the King ; which churches they be and who have them, and their yearly value, and by whom such value is payable.

7. Of escheats to our lord the King, what they be and who holds them, and through whom and by what services, and what is their yearly value ; and this as well of lands held by Normans as of all other ; and if there be any that be held without warrant, let them be seized into the King's hand.

8. Of the serjeanties of our lord the King, what they be and who holds them, and through whom, and by what manner of service they be held, and how much they be worth, and what services they render.

9. Of encroachments made upon our lord the King, whether on land or sea or elsewhere in any place whatsoever.

10. Of such as have taken money from those who have let lodgings to strangers in contravention of the assize previously made.

11. Of the attested measures of the realm, whether they be observed in accordance with the provisions made, and whether the wardens of such measures have accepted bribes from any that these might buy by one measure and sell by another. And this is to be understood of all measures, as well of measures of length and weight as of all other measures whatsoever ; and whether the assize fixing the width of cloth be observed according to the provisions thereof, and whether any have taken bribes to allow cloth to be sold contrary to the assize.

12. Of wines sold contrary to the provisions of the assize in cities, boroughs, trading towns, and other towns where wine is sold : who so sold them, and how many casks yearly and for how many years.

13. Of treasure trove.

14. Of wreck of the sea.

15. Of sheriffs and others being bailiffs that cause wapentakes or hundreds to be convened to make inquest concerning the death of a man or concerning hue and cry raised and not followed up, or concerning other pleas of the crown, and have there taken fines for default of attendance.



16. De usurariis Christianis mortuis qui fuerunt & que catalla habuerunt & qui ea habent.<sup>1</sup>

17. <sup>2</sup>De vicecomitibus et aliis qui tenuerunt placita corone & que placita.

18. De falsatoribus et retonsoribus<sup>3</sup> denariorum <sup>4</sup>qui sint.<sup>4</sup>

19. <sup>5</sup>De moneta & excambio domini regis <sup>6</sup>si quis<sup>6</sup> fecerit monetam vel excambium sine domino rege vel justiciario.

20. <sup>7</sup>De burgatoribus & malefactoribus & eorum receptoribus tempore pacis.

21. De utlagatis & fugitivis & qui redierunt post utlagacionem vel fugam sine waranto.

22. De hiis per quorum terras utlagati & burgatores<sup>9</sup> transierunt et qui<sup>10</sup> non fecerunt sectam post<sup>11</sup> ipsos <sup>12</sup>sicut facere debuerunt.<sup>12</sup>

23. De mercatis domini regis motis<sup>13</sup> de uno die in alium sine licencia domini regis nisi<sup>14</sup> sit die dominica & si aliquod mercatum <sup>15</sup>de novo<sup>15</sup> levatum sit sine licencia domini regis.

24. De hiis qui ceperunt mercedem pro bladis et aliis catallis dimittendis ne caperentur ad castra & similiter de prisis factis per vicecomitem constabulatorem vel alios ballivos contra voluntatem eorum quorum illa<sup>16</sup> catalla fuerunt.

25. De novis consuetudinibus levatis in regno sive in terra sive in aqua & <sup>17</sup>quis eas elevaverit<sup>17</sup> & ubi.<sup>18</sup>

26. De hiis qui summoniti fuerunt venire primo die<sup>19</sup> coram justiciariis & non venerunt.

27. De gaiolarum deliberacione sine waranto domini regis vel justiciariorum suorum <sup>20</sup>& similiter qui tenent placita de probatoribus sine waranto.

28. De malefactoribus in parcis & vivariis et qui illi sunt.

<sup>1-4</sup> *ζ omits.* <sup>2</sup> *a* transposes articles 16 and 17; *v* omits article 17, and inserts the following:—

De catallis Judeorum occisorum et eorum cartis et vadiis qui ea habent.

De catallis Francorum Flandrensi-um & aliorum inimicorum domini regis et qui ea habent.

The former came into use in the reign of Richard I., the latter dates back to the reign of Henry II.; both were retained during the reign of Edward I., but the text is probably right in omitting them.

<sup>3-5</sup> falsis tonsoribus, *v*; the text is correct, but *falsomariis* is more usual than *falsatoribus*. <sup>4-4</sup> *a*, *v* omits. <sup>5</sup> *v* omits this article. <sup>6-6</sup> scilicet

quis sibi, *a*. <sup>7</sup> *ζ* omits this article, which is however one of the most important articles of the eyre; the answers to it were returned in *secretis*. <sup>8</sup> *si*, *v*.

<sup>9</sup> fugitivi, *v*. <sup>10</sup> *ζ* and *v* omits. <sup>11</sup> super, *v*. <sup>12-12</sup> *v* omits; *a* omits facere.

<sup>13</sup> mutatis, *v*. <sup>14</sup> vel *si*, *v*. <sup>15-15</sup> *v* omits. <sup>16-16</sup> *v* omits. <sup>17-17</sup> quis

ea levavit, *a*; qui elevaverit, *v*; *ζ* omits eas. <sup>18</sup> *v* omits & ubi. <sup>19</sup> *ζ* inserts

primo die before qui, and *a* after coram justiciariis. <sup>20</sup> *v* begins a new article:

De hiis qui tenent placita probatorum sine waranto.





16. Of deceased usurers who were Christians, who they were and what goods they possessed and who now has them.

17. Of sheriffs and others who have held pleas of the Crown, and what pleas.

18. Of falsifiers and clippers of coins, who they be.

19. Of the coinage and exchange of our lord the King; whether any shall have minted money or assessed a rate of exchange without the authority of our lord the King or one of his Justices.

20. Of burglars and evil-doers and of such as harbour them in time of peace.

21. Of outlaws and fugitives, and of such as return without warrant, being outlaws or fugitives.

22. Of those through whose lands outlaws and burglars have passed, and who have not made pursuit after them as they were bound to do.

23. Of markets of our lord the King moved from one day to another, saving it be from Sunday, without the licence of our lord the King; and whether any market has been re-established without the licence of our lord the King.

24. Of such as have taken bribes for the rejection of corn and other chattels so that they should not be taken for military use, and also of levies made by sheriff, constable, or other bailiffs, against the will of those to whom the chattels so levied belonged.

25. Of new customs levied within the realm whether on land or water; and who levied them and where.

26. Of such as were summoned to be before the Justices on the first day and came not.

27. Of gaol-deliveries made without the warrant of our lord the King or of his Justices, and also of such as hold approvers' pleas without warrant.

28. Of poachers in parks and stews and who they be.



29. <sup>1</sup> De evasione felonum.

30. <sup>2</sup> De feodis<sup>3</sup> militum ejusumque feoda sint et terris vel tementis datis vel venditis dominis religiosis vel aliis in prejudicium domini [regis] per quem & a quo tempore.

31. De rapinis factis extraneis & pris<sup>4</sup>is per quos hec sunt facta & quomodo & qualiter<sup>5</sup> & de quibus rebus & in ejus potestate.<sup>6</sup>

32. De hiis qui non permittunt ballivos domini regis intrare in terras suas ad sumoniciones faciendas<sup>7</sup> &<sup>8</sup> districtiones pro debitis domini regis vel aliis rebus sine speciali precepto domini regis.

33. De ballivis<sup>9</sup> qui ceperunt denarios pro recognitoribus amovendis de assisis et juratis.

34. De hiis qui tenent terras Normannorum, <sup>10</sup>Flandrensium Britannorum vel<sup>10</sup> aliorum extraneorum <sup>11</sup>ejusumque feoda<sup>11</sup> sint & quo waranto eas tenent <sup>12</sup>sive de domino rege vel de aliis quibus dominus rex talia feoda concessit conferenda.<sup>12</sup>

35. De hiis qui subtraxerunt sectas schirarum<sup>13</sup> comitatum hundredorum post guerram motam inter dominum regem<sup>14</sup> & barones suos per voluntatem vicecomitum vel ballivorum suorum sive assensu & voluntate domini regis.

36. <sup>15</sup> De hiis qui placita tenent de vetito namio sine waranto.

37. <sup>16</sup> De vicecomitibus et aliis ballivis domini regis qui ceperunt redempcionem de vallettis integrum feodum militis<sup>17</sup> tenentibus ne milites fierent ad mandatum domini regis cum inde speciale mandatum<sup>18</sup> non<sup>19</sup> habuerint.

38. De vallettis integrum feodum militis<sup>17</sup> tenentibus & pleno etatis existentibus militibus faciendis.

39. De <sup>20</sup>vicecomitibus & aliis ballivis domini regis & aliis ballivis<sup>20</sup> qui tenent placita de vetito namio & placita corone & illa terminant<sup>21</sup> in comitatu hundredo vel alibi<sup>22</sup> per sacramentum legalium<sup>23</sup> xii cum nullam inde<sup>24</sup> habeant potestatem sine speciali precepto domini regis <sup>25</sup>& hoc per breve suum.<sup>25</sup>

<sup>1</sup> v omits articles 29 and 30. <sup>2</sup> ζ alone gives this article, possibly its insertion is an error; it is article 14 of the *nova capitula* issued 4 Edward I., and is clearly out of place among the *vetera capitula*. <sup>3</sup> feodo, ζ. <sup>4</sup> a alibi extraneis; v *his* factis et pris<sup>5</sup>is extraneis. <sup>5</sup> ubi, a, v. <sup>6</sup> v inserts here *De wrecco maris & evasione latronum*. <sup>7</sup> ζ omits faciendas. <sup>8</sup> vel, v. <sup>9</sup> hiis, v. <sup>10-11</sup> et, a; Flandrinorum, Britannorum et, v. <sup>11-12</sup> de ejusumque feodo, a; de quocumque feodo, v. <sup>12-12</sup> v omits. <sup>13</sup> v omits. <sup>14</sup> Johannem regem Anglie, a; v omits dominum. <sup>15</sup> v omits this article. <sup>16</sup> v omits articles 37 and 38. <sup>17</sup> militare, a. <sup>18</sup> preceptum domini regis, a. <sup>19</sup> ζ omits. <sup>20-20</sup> hiis, v. <sup>21</sup> determinant, a. <sup>22</sup> v omits vel alibi. <sup>23</sup> a, v omits. <sup>24</sup> ζ omits. <sup>25-25</sup> v omits; instead of suum, a has sum[monitionis].



29. Of the escape of felons.

30. Of military fees and who hold them ; also of lands and tenements given or sold to religious lords or to others to the prejudice of our lord the King ; by whom and since when.

31. Of seizures and levies made upon strangers ; by whom these were made and in what manner and where and of what things, and within whose jurisdiction such strangers were.

32. Of such as do not allow the bailiffs of our lord the King to go within their lands for serving summonses and levying distress for debts due to our lord the King, or for other matters, without the special command of our lord the King.

33. Of bailiffs who take bribes that they may remove jurors from assizes and juries.

34. Of such as hold lands of Norman, Flemish, British, or other strangers, in whomsoever the fees may be ; by what warrant they hold them, whether of our lord the king, or of others to whom our lord the King delivered them for bestowal.

35. Of such as, after the war that was between our lord the King and his barons, attached to themselves suits of shires, counties or hundreds, by connivance of sheriffs or their bailiffs without the consent and will of the King.

36. Of such as hold pleas of withernam without warrant.

37. Of sheriffs and others, being bailiffs of our lord the King, that have taken ransom money from young men holding a whole military fee that they might not be compelled to serve as soldiers in accordance with the commands of our lord the King, without special warrant from him so to do.

38. Of young men holding a whole military fee and being of full age that should be made knights.<sup>1</sup>

39. Of sheriffs and others, being bailiffs of our lord the King, and other bailiffs, who hold pleas of withernam and pleas of the Crown, and determine them in county court or hundred court or elsewhere upon the sworn finding of twelve law-worthy men, having no authority so to do without the special warrant of our lord the King, granted by his writ.

<sup>1</sup> The creation of knights was a source of substantial revenue to the Crown.



40. De excessibus <sup>1</sup>vicecomitum & aliorum ballivorum suorum sive sit<sup>1</sup> infra libertatem sive extra si <sup>2</sup>aliquam litem<sup>2</sup> foverint<sup>3</sup> pretextu terre vel custodie habende vel denariorum perquirendorum vel alicujus alterius proficiunt<sup>4</sup> per quod & justicia & veritas suffocantur.

41. De vicecomitibus & <sup>5</sup>ballivis qui capiunt <sup>6</sup>ex una parte & altera.

42. De wapentagiis & Trithingis positis ad firmam per vicecomites & <sup>7</sup>ballivos suos<sup>8</sup> quantum valent per annum<sup>9</sup> & pro quanto posita sunt <sup>10</sup>quolibet anno ad firmam tempore vicecomitum predictorum & pro quanto posita sunt modo.<sup>10</sup>

43. De prisis domini regis sive in terra sive in mari sive in aqua dulci sive in libertatibus spectantibus ad castra<sup>11</sup> sive ad civitates<sup>12</sup> sive ad burgos <sup>13</sup>seu in aliis locis<sup>13</sup> quæ sunt & quantum valent<sup>14</sup> & quis eas celaverit<sup>15</sup> occupaverit <sup>16</sup>vel suffocaverit<sup>16</sup> & quis eas ceperit <sup>17</sup>constabularius vel alius & <sup>18</sup>quantum valent per annum.<sup>17</sup>

44. De parvis ballivis<sup>19</sup> & quibuscunque facientibus serevicium quod vocatur scotale<sup>20</sup> quandoque festale<sup>21</sup> ut extorqueant<sup>22</sup> pecuniam a sequentibus hundredum & eorum subditis.

45. De hiis qui colligunt<sup>23</sup> blada<sup>24</sup> in autumnu <sup>25</sup>& garbas vel blada pauperis detrahentibus.<sup>25</sup>

46. <sup>26</sup>De catallis extraneorum de potestate<sup>27</sup> regis Francie existentium captis<sup>28</sup> dum rex fuit in Vasconia quo devenerunt & qui ea habent.

47. De hiis qui levaverunt warenum in terris suis<sup>29</sup> sine waranto.

48. <sup>30</sup>De hiis qui piscantur cum kidellis vel sarkellis.

49. De vicecomitibus & aliis ballivis qui ceperunt denarios de hiis qui rettati fuerunt<sup>31</sup> de morte hominis ut <sup>32</sup>dimitterent eos<sup>32</sup> per plevinam cum non <sup>33</sup>fuerunt replegiabiles sine<sup>34</sup> precepto domini regis.<sup>35</sup>

50. De vicecomitibus & aliis<sup>36</sup> qui imprisonaverunt illos qui rettati sunt de latrociniiis per sacramentum<sup>37</sup> postea<sup>38</sup> illos imprisonaverant [et] detinuerunt quousque redemptionem ab eis ceperint ut possint

<sup>1-1</sup> ballivorum vel vicecomitum, v; a *hous* vel *for* et, and omits sit. <sup>2-2</sup> aliqua rette, a. <sup>3</sup> moverint, v. <sup>4</sup> profectus, a, v. <sup>5</sup> a, v add aliis. <sup>6</sup> v adds mercedem. <sup>7</sup> vel per, a; vel, v. <sup>8</sup> v omits. <sup>9</sup> v omits per annum. <sup>10-10</sup> per annum, v. <sup>11</sup> a, v add sua. <sup>12</sup> a, v add suas. <sup>13-13</sup> suos vel in aliis locis, a; suos sive ad alia, v. <sup>14</sup> v adds per annum. <sup>15</sup> v omits. <sup>16-16</sup> v omits. <sup>17</sup> v omits remainder of article. <sup>18-18</sup> quid valent &c, a. <sup>19</sup> a, v omit. <sup>20-20</sup> qui aliquando scotale et, v. <sup>21</sup> fulstale, v; a transposes the names, writing them as *Festale* and *Scotdale*. <sup>22-22</sup> et extorquent, v. <sup>23</sup> a omits. <sup>24</sup> non cervisiam set garbas, a; garbas, v. <sup>25-25</sup> extorquentibus et bladum pauperum detrahentibus, a; extorquendo blada pauperum, v. All versions are corrupt: compare the corresponding article in the Annals of Burton p. 320: de aliis qui cervisiam non faciunt, garbas [tamen] in autumnu colligentibus et bladum pauperum indebite distrahentibus. <sup>26</sup> v omits this article. <sup>27</sup> a adds domini. <sup>28</sup> ζ omits captis. <sup>29</sup> a omits. <sup>30</sup> v omits this article. <sup>31</sup> sunt, v. <sup>32-32</sup> dimittantur, v. <sup>33-33</sup> sint sine brevi, v. <sup>34</sup> a adds speciali. <sup>35</sup> a, v add ballivis. <sup>36</sup> a, v add patric. <sup>37</sup> a, v omit postea.





40. Of the misfeasances of sheriffs and others, their bailiffs, whether within or without franchise, in favouring vexatious litigation, for the purpose of obtaining lands or wardships or money or any other advantage, to the perversion of truth and justice.

41. Of sheriffs and bailiffs who take from both sides.

42. Of Wapentakes and Ridings<sup>1</sup> let to farm by sheriffs and their bailiffs; how much they be worth yearly, and for how much they were let to farm in an average year in the time of the aforesaid sheriffs, and for how much they are let now.

43. Of levies of our lord the King on land or at sea or on fresh water, as well in franchises appurtenant to his castles, as in cities and boroughs and other places; what they be of and of what value; and as to who shall have concealed, seized or destroyed any of such; and as to who made such levies, whether he were constable or other, and what be their annual value.

44. Of petty bailiffs and certain others who brew the ale which is called 'scotale' and sometimes 'festale' as a means of extorting money from the suitors of the hundreds and their servants.

45. Of such as pick corn in autumn and carry off the corn and sheaves of the poor.

46. Of the chattels of foreigners, beings subjects of the King of France, who were taken prisoners while the King was in Gascony; what became of them and who now has them.

47. Of such as have made warrens on their lands without warrant.

48. Of such as fish from kidels<sup>2</sup> or with other illegal engines.<sup>3</sup>

49. Of sheriffs and other officers who have taken bribes from persons suspected of slaying a man, that they who were not bailable except by precept from the King, might be admitted to bail.

50. Of sheriffs and others who have imprisoned those who have been found by a jury upon oath to be suspected persons, and have continued to detain them in prison until they had obtained ransom money from them, to the end that such might procure themselves to be admitted

<sup>1</sup> Sic throughout the MSS., but *qu.*      <sup>2</sup> See Glossary, *infra*.  
whether *tithings* are not meant.



replegiari cum per legem Anglie <sup>1</sup> nulla redempcione facta fuerint<sup>1</sup> replegiabiles.

51. <sup>2</sup> De vicecomitibus & aliis ballivis qui bis vel pluries ceperunt denarios ab alico pro unico amerciamento cum tamen semel <sup>3</sup> fuerit amerciatus.<sup>3</sup>

52. De hiis qui manuceperunt aliquem habendum<sup>4</sup> coram justiciariis <sup>5</sup> primo die & <sup>5</sup> non habuerunt ipsum.<sup>6</sup>

53. De hiis qui subtraxerunt brevia domini regis & ea alteri parti vendiderunt <sup>7</sup> per quod dominus rex amisit id quod ad ipsum pertinuit.<sup>7</sup>

54. De coronatoribus qui <sup>8</sup> denarios vel aliquam<sup>8</sup> mercedem ceperunt pro officio suo faciendo <sup>9</sup> & si <sup>10</sup> catalla felonum vel fugitivorum concelaverint vel ad opus suum<sup>11</sup> detinuerint & quantum & ad quorum manus &c.<sup>12</sup>

55. De hiis qui capiunt<sup>13</sup> columbas <sup>14</sup> aereas in yeme<sup>7</sup> per retia<sup>14</sup> vel per alia ingenia <sup>15</sup> per quod columbaria destruentur.<sup>15</sup>

56. <sup>16</sup> De pontibus & calectis fractis<sup>17</sup> in<sup>18</sup> communibus transitibus qui eas reparare & sustinere debeant.<sup>19</sup>

57. De captis & incarceratis<sup>20</sup> pro aliqua suspicione mala per vicecomitem vel alios ballivos <sup>21</sup> quotienscumque regulariter<sup>21</sup> deliberati fuerunt.

58. De felonibus suspensis<sup>22</sup> & dampnatis<sup>23</sup> alibi quam coram justiciariis <sup>24</sup> ad communia placita<sup>24</sup> ad quorum<sup>25</sup> manus <sup>26</sup> catalla eorum devenerunt & qui terras si quas habuerunt<sup>26</sup> teneant & a quo tempore & quantum valeant per annum.

59. <sup>27</sup> De vicecomitibus <sup>28</sup> & aliis qui capiunt<sup>28</sup> denarios ab aliquo excommunicato capiendo<sup>29</sup> pro respectu habendo <sup>30</sup> ut non caperetur.<sup>30</sup>

60. De hiis qui currunt in alienis warennis sine licencia dominorum.

61. <sup>31</sup> De hiis qui distringunt<sup>32</sup> aliquem ad dandum<sup>33</sup> plus quam <sup>34</sup> continebatur in sumonicionem seaccarii.<sup>35</sup>

<sup>1-3</sup> non sint, v. <sup>2</sup> v omits this article. <sup>3-3</sup> amerciabantur, a. <sup>4</sup> habere, a, v. <sup>5-5</sup> et in primo die, a. <sup>6</sup> v omits. <sup>7-7</sup> v omits. <sup>8-8</sup> v omits. <sup>9</sup> exequendo, a, v. <sup>10-10</sup> De hiis qui, v. <sup>11</sup> v adds ea. <sup>12</sup> ea devenerint, a; devenerint, v. <sup>13</sup> a omits. <sup>14</sup> sua, v. <sup>15-15</sup> per quod columbaria destruitur, a; v omits. <sup>16</sup> β and δ give this as the first article, omitting all the 55 preceding articles. This appears to be the chance blunder of a careless and ignorant copyist. <sup>17</sup> destructis. <sup>18</sup> et, δ. <sup>19-19</sup> omnibus transgressionibus qui reparaverunt [reparare, β] [recuperare, δ] et sustinere debeant, a; communibus transumptibus quis reparare et sustentare debeat, v. <sup>20</sup> imprisonatis, v. <sup>21-21</sup> qualiter, a; quocumque qualiter, β; quonquo qualiter, δ; quocummodo, v. <sup>22</sup> & suspectis (?), δ. <sup>23-23</sup> ad dampnum, v. <sup>24-24</sup> domini regis et, v. <sup>25</sup> δ omits. <sup>26-26</sup> devenerint [et, a] eorum catalla qui terras eorum si quas habuerunt, β; devenerunt que terras et catalla ad quorum manus devenerint si quas habuerunt, δ; catalla eorum devenerint & terre eorum si quas habuerunt qui ea, v. <sup>27</sup> δ and v insert this article after article 62; other MSS. omit this article. <sup>28-28</sup> capientibus, v. <sup>29</sup> v omits. <sup>30-30</sup> ne capiat, v. <sup>31</sup> v omits this article. <sup>32</sup> distrinxerint, a; distrinxerunt, β, δ. <sup>33</sup> pacandum, a, β, δ. <sup>34-35</sup> ad quod fuerunt amerciati, β; ad quod fuerit amerciatus per sum<sup>1</sup> seaccarii, a.



to bail, being by the law of Englandailable without paying any ransom money.

51. Of sheriffs and other officers who have twice or oftener taken money from anyone for a single amercement, notwithstanding the fact that such amercement has been once for all paid.

52. Of such as have bound themselves to produce a certain man before the Justices on the first day, and have not so produced him.

53. Of such as have abstracted writs of our lord the King and have sold them to the other side, whereby our lord the King has been deprived of his due rights.

54. Of coroners who have taken money or any kind of reward for the performance of their office ; and whether they have concealed the chattels of felons or fugitives or kept them for their own use ; and to what amount, and in whose hands etc.

55. Of such as take pigeons in the winter time by means of nets or other traps to the destruction of the stock in the cotes.

56. Of bridges and roads damaged by the general traffic ; who should repair and maintain them.

57. Of prisoners and those detained by the sheriff or bailiffs upon suspicion of evil-doing ; and whether there be regular deliveries of these, and how often.

58. Of felons condemned and hanged elsewhere than before the Justices of Common Pleas ; into whose possession their chattels have gone, and who hold their lands, if they had any ; and since when, and what the yearly value thereof is.

59. Of sheriffs and others who take money from any excommunicate person so that he may avoid arrest.

60. Of such as hunt in other men's warrens without the licence of the lords.

61. Of such as levy a heavier distress upon any one than the precept from the Exchequer warrants.



62. <sup>1</sup> De hiis qui distringunt plures homines<sup>2</sup> habentes unum nomen<sup>3</sup> per summonicionem seaccarii<sup>4</sup> ut unusquisque<sup>5</sup> paccet unum amerciamentum cum unus tantum fuerit amerciatus.

63. <sup>6</sup> De denariis captis de non venientibus ad summonicionem vicecomitis qui eos caperunt et quantum.

64. De vicecomitibus & aliis ballivis<sup>7</sup> qui capiunt denarios pro vigiliis in regno constitutis & non observatis.

65. De hiis qui per fraudem & maliciam<sup>8</sup> terras & tenementa sua<sup>9</sup> alienant<sup>10</sup> contra adventum<sup>11</sup> justiciariorum ita quod non ponantur in assisis<sup>12</sup> & juratis coram eisdem justiciariis.<sup>13</sup>

66. <sup>14</sup> De hiis qui mutuis sacramentis se<sup>15</sup> adinvicem astringunt ad partes loquelas negotiorum<sup>16</sup> amicorum<sup>17</sup> & benevolentium sustinendorum per quod veritas & justicia suffocantur.

#### <sup>18</sup> EXPLICUNT VETERI ARTICULI INCIPIUNT NOVI ARTICULI.

67. Quot & que maneria<sup>19</sup> dominica<sup>20</sup> dominus rex habet in manu<sup>21</sup> sua in singulis comitatibus tam scilicet de antiquo dominico<sup>22</sup> corone quam de escaetis et perquisitis. Que etiam maneria esse solent<sup>23</sup> in manibus regum predecessorum<sup>24</sup> regis nunc & qui ea tenent<sup>25</sup> quo waranto & a quo tempore & per quem fuerunt alienata.<sup>26</sup>

68. De feodis eciam<sup>27</sup> domini regis & tenentibus suis<sup>28</sup> & qui ea modo<sup>29</sup> teneant de ipso in capite<sup>30</sup> & quot feoda<sup>31</sup> teneant singuli eorum & per quos<sup>32</sup> & que feoda solent teneri de rege in capite & nunc tenentur in medium & per quem medium vel medios<sup>33</sup> & a quo tempore alienata fuerunt<sup>34</sup> & qualiter & per quos.<sup>35</sup>

69. <sup>36</sup> De terris & tenementis de antico dominico<sup>37</sup> corone tam liberorum sokemannorum quam bondmannorum alienatis utrum<sup>38</sup> per

<sup>1</sup>  $\beta$  omits this article,  $\delta$  omits down to *seaccarii*, and then inserts remainder, except last word *amerciatus*, as a continuation of the preceding article.

<sup>2</sup>  $\gamma$  omits. <sup>3</sup>  $\delta$  omits. <sup>4</sup>  $\gamma$  alone inserts this article; it is, however, one of the regular articles, and its omission can only be attributed to carelessness.

<sup>5</sup>  $\zeta$  omits *ballivis*;  $\alpha$ ,  $\beta$ ,  $\delta$ ,  $\gamma$  insert. <sup>6</sup>  $\alpha$  begins here.

<sup>7</sup>  $\gamma$  omits. <sup>8</sup>  $\gamma$  omits. <sup>9</sup>  $\gamma$  omits. <sup>10</sup>  $\gamma$  omits. <sup>11</sup>  $\gamma$  omits. <sup>12</sup>  $\gamma$  omits. <sup>13</sup>  $\gamma$  omits. <sup>14</sup>  $\gamma$  omits. <sup>15</sup>  $\gamma$  omits. <sup>16</sup>  $\gamma$  omits. <sup>17</sup>  $\gamma$  omits. <sup>18</sup>  $\gamma$  omits. <sup>19</sup>  $\gamma$  omits. <sup>20</sup>  $\gamma$  omits. <sup>21</sup>  $\gamma$  omits. <sup>22</sup>  $\gamma$  omits. <sup>23</sup>  $\gamma$  omits. <sup>24</sup>  $\gamma$  omits. <sup>25</sup>  $\gamma$  omits. <sup>26</sup>  $\gamma$  omits. <sup>27</sup>  $\gamma$  omits. <sup>28</sup>  $\gamma$  omits. <sup>29</sup>  $\gamma$  omits. <sup>30</sup>  $\gamma$  omits. <sup>31</sup>  $\gamma$  omits. <sup>32</sup>  $\gamma$  omits. <sup>33</sup>  $\gamma$  omits. <sup>34</sup>  $\gamma$  omits. <sup>35</sup>  $\gamma$  omits. <sup>36</sup>  $\gamma$  omits. <sup>37</sup>  $\gamma$  omits. <sup>38</sup>  $\gamma$  omits.

<sup>10</sup>  $\gamma$  omits this article.

<sup>11</sup>  $\gamma$  omits. <sup>12</sup>  $\gamma$  omits. <sup>13</sup>  $\gamma$  omits. <sup>14</sup>  $\gamma$  omits. <sup>15</sup>  $\gamma$  omits. <sup>16</sup>  $\gamma$  omits. <sup>17</sup>  $\gamma$  omits. <sup>18</sup>  $\gamma$  omits. <sup>19</sup>  $\gamma$  omits. <sup>20</sup>  $\gamma$  omits. <sup>21</sup>  $\gamma$  omits. <sup>22</sup>  $\gamma$  omits. <sup>23</sup>  $\gamma$  omits. <sup>24</sup>  $\gamma$  omits. <sup>25</sup>  $\gamma$  omits. <sup>26</sup>  $\gamma$  omits. <sup>27</sup>  $\gamma$  omits. <sup>28</sup>  $\gamma$  omits. <sup>29</sup>  $\gamma$  omits. <sup>30</sup>  $\gamma$  omits. <sup>31</sup>  $\gamma$  omits. <sup>32</sup>  $\gamma$  omits. <sup>33</sup>  $\gamma$  omits. <sup>34</sup>  $\gamma$  omits. <sup>35</sup>  $\gamma$  omits. <sup>36</sup>  $\gamma$  omits. <sup>37</sup>  $\gamma$  omits. <sup>38</sup>  $\gamma$  omits.

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<sup>22</sup>  $\gamma$  omits. <sup>23</sup>  $\gamma$  omits. <sup>24</sup>  $\gamma$  omits. <sup>25</sup>  $\gamma$  omits. <sup>26</sup>  $\gamma$  omits. <sup>27</sup>  $\gamma$  omits. <sup>28</sup>  $\gamma$  omits. <sup>29</sup>  $\gamma$  omits. <sup>30</sup>  $\gamma$  omits. <sup>31</sup>  $\gamma$  omits. <sup>32</sup>  $\gamma$  omits. <sup>33</sup>  $\gamma$  omits. <sup>34</sup>  $\gamma$  omits. <sup>35</sup>  $\gamma$  omits. <sup>36</sup>  $\gamma$  omits. <sup>37</sup>  $\gamma$  omits. <sup>38</sup>  $\gamma$  omits.

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<sup>24</sup>  $\gamma$  omits. <sup>25</sup>  $\gamma$  omits. <sup>26</sup>  $\gamma$  omits. <sup>27</sup>  $\gamma$  omits. <sup>28</sup>  $\gamma$  omits. <sup>29</sup>  $\gamma$  omits. <sup>30</sup>  $\gamma$  omits. <sup>31</sup>  $\gamma$  omits. <sup>32</sup>  $\gamma$  omits. <sup>33</sup>  $\gamma$  omits. <sup>34</sup>  $\gamma$  omits. <sup>35</sup>  $\gamma$  omits. <sup>36</sup>  $\gamma$  omits. <sup>37</sup>  $\gamma$  omits. <sup>38</sup>  $\gamma$  omits.

<sup>25</sup>  $\gamma$  omits. <sup>26</sup>  $\gamma$  omits. <sup>27</sup>  $\gamma$  omits. <sup>28</sup>  $\gamma$  omits. <sup>29</sup>  $\gamma$  omits. <sup>30</sup>  $\gamma$  omits. <sup>31</sup>  $\gamma$  omits. <sup>32</sup>  $\gamma$  omits. <sup>33</sup>  $\gamma$  omits. <sup>34</sup>  $\gamma$  omits. <sup>35</sup>  $\gamma$  omits. <sup>36</sup>  $\gamma$  omits. <sup>37</sup>  $\gamma$  omits. <sup>38</sup>  $\gamma$  omits.

<sup>26</sup>  $\gamma$  omits. <sup>27</sup>  $\gamma$  omits. <sup>28</sup>  $\gamma$  omits. <sup>29</sup>  $\gamma$  omits. <sup>30</sup>  $\gamma$  omits. <sup>31</sup>  $\gamma$  omits. <sup>32</sup>  $\gamma$  omits. <sup>33</sup>  $\gamma$  omits. <sup>34</sup>  $\gamma$  omits. <sup>35</sup>  $\gamma$  omits. <sup>36</sup>  $\gamma$  omits. <sup>37</sup>  $\gamma$  omits. <sup>38</sup>  $\gamma$  omits.





62. Of such as under a precept from the Exchequer make distraint upon several men that have the same name, to the end that each of them is severally made to satisfy a demand that was made upon one man only.

63. Of money received from such as came not in obedience to the sheriff's summons; and as to who received it and to what amount.

64. Of sheriffs and other officers who take money in respect of vigils ordered to be observed in the realm and not observed.

65. Of such as fraudulently and of malice alienate their lands and tenements in anticipation of the coming of the Justices, to the intent that they may not be placed upon assizes and juries before the said justices.

66. Of such as bind themselves by mutual oath to give support to the actions at law of the friends and favourers of any of them, to the perversion of truth and justice.

HERE END THE OLD ARTICLES AND HERE BEGIN THE NEW ARTICLES.

67. How many and what demesne manors the King hath in his hand in each county, as well ancient crown demesne as from escheats and perquisites; and as to what manors were wont to be in the hands of the Kings who were predecessors of the King that now is, and who now hold them; by what warrant, and since when and by whom they were alienated.

68. Of the fees also of our lord the King and of his tenants; as to those who hold from him directly in chief, and how many fees each of these may hold and through whom; and also of such fees as have been wont to be holden of the King in chief and are now holden in mesne; as to who such mesne lord or lords may be; as to when such fees were alienated, and how and by whom.

69. Of lands and tenements of the ancient demesne of the Crown in the possession of either free sokemen or bondmen that have been



ballivos vel<sup>1</sup> eosdem tenentes & quibus alienata fuerunt & qualiter & quomodo & a quo tempore.

70. Eodem modo<sup>2</sup> inquiretur de firmis<sup>3</sup> hundredorum trithingorum<sup>4</sup> wapentagiorum<sup>5</sup> comitatum<sup>6</sup> civitatum burgorum & aliorum reddituum<sup>7</sup> quorumcumque & a quo tempore<sup>8</sup> quot trithinga & wapentagia sunt nunc<sup>9</sup> in manu domini regis & que<sup>10</sup> & quot<sup>11</sup> in manibus<sup>12</sup> aliorum & a quo tempore & quo waranto & <sup>13</sup> quantum quodlibet wapentagium valet per<sup>14</sup> annum.

71. De sectis antiquis serviciis<sup>15</sup> consuetudinibus<sup>16</sup> & aliis rebus a domino<sup>17</sup> rege & antecessoribus suis subtractis<sup>18</sup> & qui ea subtraxerunt & a quo tempore & qui<sup>19</sup> huiusmodi sectas<sup>20</sup> consuetudines<sup>21</sup> et servicia ad dominum regem pertinencia<sup>22</sup> & consueta<sup>23</sup> sibi ipsis appropriaverint<sup>24</sup> & a quo tempore & quo waranto.

72. Qui etiam<sup>25</sup> alii a rege<sup>26</sup> clamant<sup>27</sup> habere retorum brevis & extractas brevium<sup>28</sup> et qui tenent placita de vetito namio & qui clamant wrekeum maris<sup>29</sup> quo waranto<sup>30</sup> & alias libertates regias<sup>31</sup> ut<sup>32</sup> fureas<sup>31</sup> emendas assise<sup>31</sup> panis & servicie & alia<sup>32</sup> que ad coronam pertinent & a quo tempore.

73. De hiis qui habent libertates regias per legem<sup>33</sup> Anglie sibi concessas & eis aliter usi fuerint quam facere debuissent & a quo tempore<sup>34</sup> & quomodo.<sup>34</sup>

74. <sup>35</sup> De libertatibus concessis que impediunt communem justiciam<sup>36</sup> & regiam potestatem obvertunt & a quo<sup>37</sup> concessas fuerunt & a quo tempore.

75. Qui etiam<sup>38</sup> appropriaverunt sibi de novo<sup>39</sup> chaceas vel warrenas<sup>40</sup> & similiter qui ab<sup>41</sup> antiquo huiusmodi<sup>42</sup> chaceas vel warrenas ex concessione regis habuerint & fines & metas earum<sup>43</sup> excesserint<sup>44</sup> & a quo tempore.

<sup>1</sup> aut, a, β; vel per, δ. <sup>2</sup> Simili modo, a, β, δ; et similiter, v. <sup>3</sup> firmariis, v. From this point the MSS. vary both in themselves and with each other as to the proper case for the nine following words, the genitive and ablative cases being used quite indiscriminately. The text agrees with such official versions as we possess. <sup>4-5</sup> a, β, δ, v. transpose. <sup>6</sup> v. omits comitatum. <sup>7-8</sup> v. omits. <sup>9-10</sup> Quot etiam hundredorum wapentagiorum trithingorum sunt nunc, a, β, δ; et que hundreda wapentagia et cetera sint, v. <sup>11-12</sup> a, β, δ, v. transpose. <sup>13</sup> δ adds dominorum. <sup>14-15</sup> quantum valet quodlibet hundredum, a, β, δ; quantum valet quodlibet per se, v. <sup>16-17</sup> a, β, δ, v. transpose. <sup>18</sup> v. omits a domino. <sup>19</sup> v. inserts subtractis before rege. <sup>20</sup> et qui, v; ζ, a, β, δ omits. <sup>21</sup> sectas, a, β, δ; v. omits; subtractas, ζ. <sup>22-23</sup> v. omits. <sup>24-25</sup> servicia et alia a domino rege pertinencia, a, β; servicia et alia que domino regi pertinent, δ. <sup>26-27</sup> et consuetudines ipsius appropinquaverunt, a, β, δ. <sup>28-29</sup> v. omits. <sup>30-31</sup> returnum et extractus brevium, a, β, δ; returnum brevium suorum habere, v. <sup>32-33</sup> δ omits. <sup>34</sup> v. omits. <sup>35</sup> et, a, β, δ. <sup>36-37</sup> assisam, v. <sup>38</sup> alias libertates, v. <sup>39</sup> regem, a, v. <sup>40-41</sup> v. δ omits. <sup>42</sup> δ omits this article. <sup>43</sup> eorum justicie, β; a adds coram justiciariis. <sup>44</sup> a adds quod; v. inserts tempore here instead of at end. <sup>45-46</sup> sibi de novo appropinquaverint novas, a, β. <sup>47</sup> v. adds sine waranto. <sup>48</sup> alias, a. <sup>49</sup> v. omits. <sup>50</sup> eorundem, δ; v. omits. <sup>51</sup> exierint, v.



alienated either by bailiffs or the tenants of such lands ; and to whom they were so alienated, and how and in what manner and since when.

70. In similar way let inquiry be made of farm rents of hundreds, ridings and wapentakes of counties, of cities and boroughs, and of all other farm rents whatsoever ; and since when they have been payable ; of what ridings and wapentakes be now in the hand of our lord the King, and what and how many be in the hands of others ; and since when and by what warrant, and what the yearly value of each wapentake may be.

71. Of suits, ancient services, customs, and other such rights withdrawn from our lord the King and his ancestors who withdrew them and since when ; and who have appropriated to themselves suits, customs of this kind and services belonging to our lord the King, and accustomed to be rendered to him ; and since when and by what warrant.

72. As to such others also as claim to have from the King return of writs and extracts of writs, and hold pleas *de vetito namio*, and claim wreckage of the sea and other royal privileges, such as gibbets and penalties for breach of assize of bread and beer, and others which appertain to the Crown ; and by what warrant and since when.

73. Of such as have had royal franchises accorded to them by the law of England, and have used these otherwise than they ought to have done, and as to when and in what manner.

74. Of franchises that have been granted and are an impediment to the general administration of justice and an interference with the King's authority ; and by whom these franchises were granted and at what times.

75. Who have of recent times appropriated to themselves chaces or warrens, and likewise who from ancient times have held chaces or warrens of this kind by licence from the King, and have exceeded the metes and bounds of these, and at what time ?



76. Qui etiam<sup>1</sup> ballivi domini & eorum subballivi<sup>2</sup> quicumque seu etiam domini regis ministri non sustinuerunt<sup>3</sup> executiones mandatorum<sup>4</sup> domini regis<sup>5</sup> fieri aut eas<sup>6</sup> facere contempserunt vel alio<sup>6</sup> modo impediverunt ea fieri<sup>7</sup> a tempore<sup>8</sup> constitutionum statutorum<sup>9</sup> apud Marlberge<sup>10</sup> anno regni regis Henrici<sup>11</sup> patris regis Edwardi liij.<sup>12</sup>

77. <sup>13</sup>De omnibus purpresturis factis super dominum regem<sup>14</sup> vel ejus<sup>14</sup> regalem dignitatem per quos facte fuerunt qualiter & a quo tempore.

78. De vicecomitibus capientibus<sup>15</sup> munera ut<sup>16</sup> consenciant<sup>17</sup> ad concelandum<sup>18</sup> felonias factas in ballivis suis vel qui<sup>19</sup> negligentes fuerunt<sup>20</sup> ad felones attachiandum quocumque<sup>21</sup> favore tam infra libertatem quam extra.

79. Simili modo de clericis<sup>22</sup> & aliis<sup>22</sup> ballivis<sup>23</sup> vicecomitum &<sup>24</sup> coronatorum<sup>25</sup> & aliis ballivis<sup>26</sup> quorumcumque<sup>27</sup> & qui ita fecerunt tempore<sup>28</sup> Henrici regis, post bellum de Evesham & qui tempore domini<sup>29</sup> regis nunc.

80. <sup>30</sup>De vicecomitibus & aliis quibuscumque<sup>31</sup> capientibus munera pro<sup>32</sup> recognitoribus amovendis<sup>33</sup> de assisis & juratis & a quo tempore.

81. De vicecomitibus<sup>34</sup> & aliis<sup>34</sup> quibuscumque<sup>35</sup> qui amerciaverunt<sup>36</sup> aliquos<sup>37</sup> qui summoniti fuerunt ad inquisitiones<sup>38</sup> faciendas<sup>39</sup> per preceptum domini regis<sup>40</sup> pro defectu cum<sup>41</sup> per eandem<sup>42</sup> summonicionem pervenerunt<sup>43</sup> sufficientes ad hujusmodi inquisitiones faciendas & quantum ceperunt & a quibus occasione predicta & a quo tempore.

82. <sup>44</sup>De vicecomitibus qui tradiderunt ballivis<sup>45</sup> extorsoribus<sup>46</sup> populum gravantibus supra<sup>47</sup> modum hundreda wapentagia thretynge & alias firmas ut sic<sup>48</sup> suas firmas levarent &<sup>49</sup> qui fuerunt<sup>50</sup> ballivi &<sup>51</sup> quibus fuerunt hujusmodi dampna illata & a quo tempore.

<sup>1-2</sup> Qui etiam domini aut eorum seneschalli seu ballivi. *a, β, δ* (this is the common form); domini, seneschalli, ballivi. *v.* <sup>3</sup> sustulerunt. *v.* <sup>4-5</sup> from *a, β, δ, v;* <sup>6</sup> *ζ omits.* <sup>7</sup> *v omits.* <sup>8</sup> aliquo. *v.* <sup>9-10</sup> ea facere impedierunt. *a, β, δ;* impediverunt. *v;* <sup>11</sup> *ζ repeats ea before impediverunt.* <sup>12-13</sup> constitutionum factorum. *a, β, δ;* constitutionis facto. *v.* <sup>14-15</sup> *v omits.* <sup>16-17</sup> avi nostri regis nunc lii, β; and (omitting regis) *a;* and (omitting nostri) *δ.* <sup>18</sup> *β, δ, v omit this article.* <sup>19-20</sup> et. *v.* <sup>21-22</sup> pro mudo et qui concelant. *ζ;* there appears to be no authority for this version. The text agrees with official versions. <sup>23</sup> et qui, *a, β, δ.* <sup>24</sup> consenserunt. *a;* *δ omits;* *v omits* ut consenciant. <sup>25</sup> *a, β, δ, v omit.* <sup>26</sup> extiterint. *a, β, δ, v.* <sup>27-28</sup> attachiamenta quorumcumque favore. *a, β, δ.* <sup>29-30</sup> *v omits.* <sup>31-32</sup> *β, δ omit.* <sup>33-34</sup> [de] coronatoribus et eorum clericis. *v.* <sup>35</sup> quibuscumque. *a, β, δ, v.* <sup>36</sup> *a, β add domini.* <sup>37</sup> *v omits.* <sup>38</sup> *δ omits this article.* <sup>39</sup> from *a, β;* ballivis. *v;* *ζ omits.* <sup>40-41</sup> recognicione amovenda. *a.* <sup>42-43</sup> *v omits.* <sup>44</sup> *β, δ add ballivis.* <sup>45</sup> amerciati fuerunt. *δ.* <sup>46</sup> *v omits.* <sup>47</sup> summoniciones. *δ.* <sup>48</sup> *v omits;* factas. *a, β, δ.* <sup>49-50</sup> per defaultam. *δ.* <sup>51-52</sup> ad. *v.* <sup>53</sup> persone venerint. *a, β, δ;* venerint. *v.* <sup>54</sup> *δ omits this article.* <sup>55</sup> *v omits* ballivis. <sup>56</sup> *v adds* vel. <sup>57</sup> ultra. *a, β, v.* <sup>58-59</sup> possint firmas levare. *v.* <sup>60-61</sup> *a, β omit.* <sup>62</sup> *v adds* illi.





76. Who, being bailiffs of a lord, or the sub-bailiffs of these whatsoever, and likewise what officers of the King, have not insisted upon the execution of the commands of our lord the King, but have treated them with contempt, or in some other way have hindered them from taking effect, from the time of the promulgation of the Statute of Marlborough in the fifty-second year of the reign of King Henry, the father of King Edward ?

77. Of all purprestures committed upon our lord the King or his royal dignity ; by whom they were committed and how and when.

78. Of such sheriffs as have taken reward to the intent that they should be accomplices in the concealment of felonies committed in their bailiwicks, or have been negligent in arresting felons through favour shown to them, as well within liberties as without.

79. Similarly of the clerks and bailiffs of sheriffs and coroners and all other bailiffs whatsoever ; and which of them so did in the time of Henry the King, after the battle of Evesham, and which do so now in the time of this present King.

80. Of sheriffs and all others whatsoever that take reward for removing names from the panels of assizes and juries ; and when they so did.

81. Of sheriffs and all others whatsoever who have amerced any who were summoned by the King's writ to make inquisitions for default in appearance, when a number sufficient for holding such inquisitions attended in obedience to the same writ of the King ; and how much they took, and from whom on such occasions, and at what time.

82. Of sheriffs who have given into the hands of extortionate bailiffs that oppress the people beyond bounds hundreds, wapentakes, ridings and other farms that so they may levy their rents ; also who such bailiffs were, and to whom was such damage done, and when.



83. <sup>1</sup> De vicecomitibus qui pluries quam bis faciunt<sup>2</sup> turnum<sup>3</sup> per annum<sup>4</sup> & a quo tempore<sup>5</sup> ut in magna carta libertatis &c.<sup>6</sup>

84. Item <sup>7</sup> cum fines<sup>8</sup> de redisseisina<sup>9</sup> aut purpresturis factis super terram vel aquam pro occultacione thesauri & aliis hujusmodi que ad dominum regem pertinent & ad vicecomitem<sup>10</sup> hujusmodi attachiamenta<sup>11</sup> qui<sup>12</sup> ceperunt fines hujusmodi<sup>13</sup> & a quibus & quantum<sup>14</sup> & a quo tempore.

85. <sup>15</sup> De hiis<sup>16</sup> qui pro<sup>17</sup> potestate<sup>18</sup> officii sui<sup>19</sup> alios occasionaverint<sup>20</sup> ut per hoc extorserint<sup>21</sup> terras & redditus<sup>22</sup> & alias prestaciones<sup>23</sup> & a quo tempore.

86. <sup>24</sup> De hiis qui<sup>25</sup> mandatum domini regis ceperunt ut debita sua<sup>26</sup> solverent<sup>27</sup> & a creditoribus ceperent aliquam porcionem ut eis residuum solverent<sup>28</sup> & nichilominus totum sibi allocari fecerint in scaccario vel alibi & a quo tempore.

87. <sup>29</sup> De hiis<sup>30</sup> qui receperunt<sup>31</sup> debita regis vel partem debitorum<sup>32</sup> & debitores non acquiescant tam de tempore domini regis Henrici quam<sup>33</sup> de tempore domini regis nunc.<sup>34</sup>

88. <sup>35</sup> De hiis<sup>36</sup> qui summonent aliquos ut fierent milites & <sup>37</sup> lucra ab eis ceperunt<sup>38</sup> pro respectu [habendo] & a quo tempore & quantum.

89. <sup>39</sup> Et si qui magnates & alii<sup>40</sup> distringunt aliquos<sup>41</sup> sine precepto domini regis ad arma capienda<sup>42</sup> & a quo tempore.

90. <sup>43</sup> De hiis<sup>44</sup> qui habuerunt felones imprisonatos<sup>45</sup> & eos pro pecunia evadere permiserunt liberos & impunitos.<sup>46</sup>

91. <sup>47</sup> Item si<sup>48</sup> vicecomites vel alii ballivi<sup>49</sup> fecerunt non debito

<sup>1-5</sup> Item cum vicecomites non debent facere turnum suum vel bis in anno, qui turnum suum sepius fecerint et a quo tempore, v. <sup>2</sup> facit, ζ, δ; faciunt, a, β. <sup>3-5</sup> in anno, a, β. <sup>4-5</sup> a, β, δ omit. <sup>6-8</sup> De finibus, v. <sup>7</sup> redisseisine, a, β, δ. <sup>9-10</sup> qui ad hujusmodi attachiamenta, a, β. <sup>9</sup> δ omits attachiamenta. <sup>10-11</sup> fecerint a fine hujusmodi ceperint, v. <sup>11</sup> δ omits hujusmodi. <sup>12</sup> qualiter, a, β. <sup>13-14</sup> v omits; Item, a, β, δ. <sup>15</sup> a, β omit. <sup>15-16</sup> from a, β, δ, v; ζ omits. <sup>17-18</sup> occas-ionaverunt aliquos, δ; occasionaverunt, a, β; aliquem occasionaverint, v. <sup>19-20</sup> et pro hujusmodi extorserunt, a, β; et per hujusmodi extorsionem, δ; et sic extorserint, v. <sup>21-22</sup> vel aliquas possessiones, v. <sup>23</sup> v omits this article. <sup>24-25</sup> Item qui ceperunt, a, β, δ, omitting ceperunt after regis. <sup>26</sup> δ omits sua. <sup>27-28</sup> δ repeats. <sup>29</sup> v omits this article. <sup>30</sup> a, β, δ omit de hiis. <sup>31</sup> a, β, δ omit receperunt; and β inserts recipere after debitorum. <sup>32</sup> debiti ceperunt, δ. <sup>33-34</sup> tempore successorum suorum, a, β, δ. <sup>35</sup> δ has De hiis qui ab aliquibus ut milites fierent pro summonicionibus (?) vel respectuandis lucrum ceperunt et a quo tempore. <sup>36</sup> a, β, δ omit de hiis. <sup>37-38</sup> a, β, δ insert after habendo. <sup>39</sup> δ and ζ omit this article. <sup>40-41</sup> a, β, v insert these words after regis. <sup>42</sup> suscipienda a, β, v. <sup>43</sup> δ omits the first four words. <sup>44-45</sup> Item, a, β. <sup>46</sup> in prisona, a, β. <sup>47-48</sup> et pro pecunia eos dimiserunt extra a prisona, et evadere irreplegiatos permiserunt et impunes, a; quos et pro pecunia (i.e. as in a), β; et pro [i.e. as in a] et impunitos, δ; et pro pecunia eos abire vel evadere permiserunt, v. <sup>49</sup> a, β, δ, v make article 92 a continuation of article 90. The order in the text is unusual. <sup>50</sup> a, β, δ transpose articles 90 and 91; v omits article 91. <sup>51-52</sup> et si qui, a; et qui, β, δ. <sup>53</sup> a, β add cujuscumque libertatis; ζ and δ quibuscumque libertatis.



83. Of sheriffs who hold their turn more frequently than twice in a year, contrary to the Great Charter of Liberty etc., and when they so did.

84. Also touching fines made for redisseisin, and for purprestures committed on land or water, and for concealment of treasure-trove and for other similar matters belonging to the King, for which the Sheriff ought to attach those incurring them; who received the fines of this kind and from whom, to what amount, and when?

85. Also as to such as have of malice abused their power of office to the extorting from others of lands, rents, or other pecuniary levies; and when.

86. Of such as, having received command of the King to discharge his debts, have bargained with the creditors to retain some portion of the money owed before paying to them the remainder; and yet, notwithstanding this, have had themselves credited at the Exchequer or elsewhere for the whole sum; and at what time.

87. Of such as have received debts due to the King, or instalments of such debts, and have not given acquittances to the debtors; and of this both in the time of our lord King Henry as in the time our lord the King that now is.

88. Of such as summon any to render military service and accept bribes from them that they may be excused; and when and to what amount.

89. Also as to lords and others who, without the command of our lord the King therefor, have forced any by distraint to render military service, and at what time.

90. Of such as having the custody of felons in prison have taken a bribe to let them go free and unpunished.

91. Also as to sheriffs or other officers who have not duly served



modo summoniciones secundum formam brevis domini regis vel aliter fraudulenter & minus sufficienter executi fuerunt precepta domini regis prece precio vel favore & a quo tempore.<sup>2</sup>

92. <sup>3</sup> Et qui pecuniam ullam extorserunt<sup>4</sup> pro prisonis dimittendis<sup>5</sup> per plevinam<sup>6</sup> cum de jure fuerunt<sup>7</sup> ireplegiabiles<sup>8</sup> & a quo tempore.<sup>9</sup>

93. De hiis qui habuerunt appellatores<sup>10</sup> imprisonatos & eos fecerunt appellare<sup>11</sup> fideles & innocentes causa lueri & <sup>12</sup>qui eos<sup>13</sup> impediunt ne appellarent culpabiles & per quorum procuracionem talia facta fuerunt & a quo tempore.

94. <sup>13</sup> Item qui dona vel luera aliqua<sup>14</sup> ceperunt pro officiis suis exequendis<sup>15</sup> vel aliter executi fuerunt<sup>16</sup> mandata<sup>17</sup> domini regis quam ad officium suum pertineret & a quo tempore.

95. Et omnia ista inquirantur [tam] de vicecomitibus<sup>18</sup> coronatoribus & eorum clericis & eorum ballivis quibuscumque<sup>19</sup> quam de dominis & ballivis libertatum quarumcumque<sup>20</sup> & reddant dampna in duplo & puniantur ad voluntatem domini regis ut in statuto Westmonasterii cap. xxvj.<sup>21</sup>

96. <sup>22</sup> Item qui vicecomes vel custodes<sup>23</sup> castrorum vel maneriorum domini regis<sup>24</sup> de operacionibus domini regis<sup>25</sup> quibuscumque vel etiam qui visores hujusmodi operacionum ubicunque factarum per precepta domini regis magis computaverunt<sup>26</sup> vel testificati fuerunt in eisdem quam posuerunt<sup>27</sup> rationabiliter<sup>28</sup> & super hoc falsas allocaciones<sup>29</sup> sibi fieri<sup>30</sup> procuraverunt.

97. <sup>30</sup> Et similiter qui petras vel meremium vel alia necessaria<sup>31</sup> ad hujusmodi operaciones<sup>32</sup> empta seu provisa<sup>33</sup> ad opus suum retinuerunt<sup>34</sup> seu amoverunt & quid & quantum dampnum dominus<sup>35</sup> rex inde habuit<sup>36</sup> & a quo tempore.<sup>36</sup>

<sup>1-2</sup> *δ omits.* <sup>3</sup> *a, β, δ, v* make article 92 a continuation of article 90. The order in the text is unusual. <sup>4</sup> *v omits* extorserunt, and inserts ceperunt after plevinam. <sup>5-6</sup> *a* prisonis, *δ*. <sup>6-9</sup> *v omits.* <sup>7</sup> *β omits.* <sup>8</sup> ireplegiandi, *δ*. <sup>10</sup> probatores, *a, β, δ, v*. <sup>11</sup> imprisonari, *v*. <sup>12-13</sup> quicumque eos, *a, β, δ*; quicumque, *v*. <sup>14</sup> *v omits* this article. <sup>15</sup> *δ omits* aliqua. <sup>16</sup> excercitis, *a, β*; excercendis, *δ*. <sup>17</sup> *a, β add* vel aliter excercuerunt fines; *δ omits* executi fuerunt and inserts excercuerunt fines. Probably the correct reading requires the addition of *vel excesserunt fines*. <sup>18</sup> mandatorum, *a, β, δ*. <sup>19</sup> *β, δ add* quam de; tam de, *v*. <sup>20-21</sup> dominorum sive libertatum, *a, β, δ*; libertatum, *δ*; tam dominorum quam libertatum quarumcumque, *v*. <sup>22-23</sup> This and the many subsequent penalty clauses appear to be peculiar to *ζ*. They occur in no other known MS. of the Kentish Eyre, nor in any of the collections of *Capitula* which I have been able to examine. They would be obviously out of place in copies intended for the jurors, and suggest rather that *ζ* is from a judge's copy. <sup>24-25</sup> Item de vicecomitibus et custodibus, *a, β, δ, v*. <sup>26-27</sup> *β omits.* <sup>28</sup> computati, *a, β*. <sup>29</sup> expendiderint, *v*. <sup>30</sup> *a, β, δ, v insert* rationabiliter after quam. <sup>31-32</sup> from *a, β, δ*; *ζ, v omits.* <sup>33-34</sup> De hiis qui petram vel meremium vel hujusmodi ad operaciones easdem emptas, *v*. <sup>35</sup> from *a, β, δ*; notitia, *ζ*. <sup>36</sup> impositiones, *δ*. <sup>37</sup> optinauerunt, *δ*. <sup>38</sup> *v omits.* <sup>39-40</sup> *v omits.*





summonses according to the letter of the King's writ ; or who have in other respects fraudulently and insufficiently performed the commands of our lord the King, being moved thereto by entreaty or reward or favour ; and at what time.

92. As to such as have extorted any sum of money from prisoners that they might be admitted to bail, when such prisoners were not by law bailable ; and since when.

93. Of such as having the custody of imprisoned approvers have compelled them to appeal law-abiding and innocent folk for the sake of gain, and have hindered them from appealing the guilty ; and through whose procuration were such things done and at what time.

94. Also as to such as have accepted gifts or any kind of bribe that they should perform the duties of their offices, or have executed the commands of our lord the King in any other way than it belonged to their office to execute them ; and at what time.

95. And inquiry shall be made concerning all these matters as well in the case of sheriffs, coroners, and all their clerks and bailiffs whatsoever, as of lords and bailiffs of all liberties ; and they shall be condemned to restore twofold, and shall be further punished as our lord the King shall determine ; as appears in the twenty-sixth chapter of the Statute of Westminster.

96. Also as to such as being sheriffs or constables of castles or manors of our lord the King, or being clerks of works, concerned in any building operations whatsoever for our lord the King and undertaken by his orders, have made false and exaggerated estimates of the extent and cost of such operations, and on the strength of this have continued to obtain wrongful credits.

97. And likewise as to such as having bought or procured stones or timber or aught else necessary for such works have retained them for their own use, or have had them removed ; and as to the damage our lord the King has thereby sustained, and when.



98. De eschaetoribus vel subeschaetoribus in<sup>1</sup> seiscina domini regis<sup>2</sup> facientibus vastum vel destructionem in parcis boscis vivariis & warennis infra custodias sibi commissas<sup>3</sup> per dominum regem quantum<sup>4</sup> de quibus quo modo & a quo tempore.<sup>5</sup>

99. De eisdem<sup>6</sup> qui occasione hujusmodi seiscine ceperunt bona<sup>7</sup> defunctorum vel heredum<sup>8</sup> in manu domini regis injuste<sup>9</sup> donec redimerentur ab eisdem & quid & quantum ceperunt pro hujusmodi redempcione & quid inde<sup>10</sup> ad opus suum retinuerunt & quo tempore.

100. De hiis qui minus<sup>11</sup> sufficienter<sup>12</sup> extendunt terras alicujus<sup>13</sup> in favore ejusdem<sup>14</sup> vel alterius cui<sup>15</sup> custodie terrarum dari vendi vel concedi non debuerunt in deceptiōe domini regis<sup>16</sup> & ubi & quomodo & quid inde ceperunt & quantum & quo tempore.<sup>17</sup>

101. De hiis<sup>18</sup> qui prece precio vel favore concesserunt<sup>19</sup> vel consulerunt<sup>20</sup> quod custodie<sup>21</sup> domini regis venderentur<sup>22</sup> pro minori precio quam vendi debuerant<sup>23</sup> secundum verum valorem vel maritagium<sup>24</sup> ad dominum regem spectantem<sup>25</sup> & si aliquo modo conclaverunt custodias domini regis vel maritagia heredum tenencium<sup>26</sup> de domino rege in capite vel<sup>27</sup> maritagia [dominarum] viduarum maritatarum<sup>28</sup> sine licencia domini regis & si<sup>29</sup> quid propter hoc ceperunt & quantum & a<sup>30</sup> quo tempore.

102. <sup>31</sup> De hiis qui procuraverint vel<sup>32</sup> consenserunt quod<sup>33</sup> juratores inquisicionum factarum<sup>34</sup> de etate heredum determinaverint<sup>35</sup> ipsos heredes plene etatis cum non essent ut dominus rex per hoc amitteret<sup>36</sup> custodias hujusmodi heredum.

103. De hiis qui reservaverunt<sup>37</sup> ad opus suum proprium custodias & maritagia per<sup>38</sup> leve pretium<sup>39</sup> sive per onclamentum factum<sup>40</sup> domino regi<sup>41</sup> & cujusmodi dampna<sup>42</sup> dominus rex inde<sup>43</sup> habuit & a quo tempore.

104. <sup>44</sup> Item cujusmodi seiscierunt<sup>45</sup> terras & per quantum eas tenuerunt in manu domini regis.<sup>46</sup>

<sup>1-2</sup> servicio domini regis existentibus, a, β, δ. <sup>3-5</sup> quantum ita ceperunt, v. <sup>3</sup> dimissis, δ. <sup>4</sup> qualiter, β. <sup>6</sup> eschaetoribus, β; hiis, δ, v. <sup>7</sup> catalla, v. <sup>8</sup> v. omits vel heredum. <sup>9</sup> β, δ, v. omit injuste. <sup>10</sup> et quantum, v; a, β, δ omit. <sup>11</sup> from v; ζ omits; vicinis (?) a, β. <sup>12-13</sup> in favore alterius terras extendunt vel, v. <sup>14-15</sup> δ omits. <sup>16-18</sup> custodiam terrarum illarum dari vel concedi debuerunt in redimptione domini regis, a, β, δ; custodiam terrarum dari vendi vel concedi in deceptiōe domini regis procuraverint, v. <sup>19</sup> warento, v. <sup>20</sup> eisdem, a, β, δ. <sup>21</sup> extenserunt, v. <sup>22-23</sup> ut custodie, a; vel qui custodias, β; [ut] in custodiis, δ. <sup>24</sup> vendiderunt, β; vendidunt, v. <sup>25</sup> debuerunt, a, β, δ, v. <sup>26-27</sup> maritagia spectantia, β, δ, v. <sup>28-29</sup> in capite de rege, v. <sup>30</sup> maritandarum, v. <sup>31</sup> v. omits et si. <sup>32</sup> δ omits quantum et a. <sup>33-34</sup> Item pro eisdem qui procuraverunt ne [vel, δ] a, β, δ. <sup>35-36</sup> inquisiciones facte, v. <sup>37</sup> dicerent, a, β, δ, v. <sup>38</sup> admit- teret, β, δ. <sup>39</sup> servaverint, v; a, β add eisdem; δ add eisdem vel. <sup>40-41</sup> breve predictum, a, β, δ. <sup>42-43</sup> sive preconclamentum suum, δ. <sup>44-45</sup> quo dampna, v; comoda et cujusmodi, a, β; comoda vel cujusmodi, δ. <sup>46</sup> a, β, δ omit inde. <sup>47-48</sup> De hiis qui seisciant terras ecclesiarum (?) in manu domini regis et per quantum tempus eas detinuerunt, v. <sup>49-50</sup> Item si hujusmodi eschaetores [β omits] seiscierunt, a, β; Item si seiscierunt, δ.



98. Of escheators or sub-escheators who commit waste within the seisin of our lord the King, or devastate the parks, woods, stews, and warrens within wardships committed to them by our lord the King; how much, from whom, and how and when.

99. Of such as, fraudulently turning such seisins to their own advantage, have unjustly taken the chattels of deceased persons or heirs into the King's hand to the end that they might be redeemed from them; and as to what and how much they received for such redemption, and how much thereof they retained to their own use, and when.

100. Of such as make insufficient valuation of lands either through favour to the owner of them or to him to whom the wardship of such lands is to be given, sold, or granted, to the deceiving of our lord the King; and as to where and how this was so done, and what gain was made thereby, and to what value and when.

101. Of such as through entreaty, reward, or favour, have allowed or advised wardships or marriages belonging to our lord the King to be sold for a less price than that for which they should have been sold according to their real value; and as to whether they have in any way concealed wardships accruing to the King, or marriages of heirs holding in chief of our lord the King, or re-marriages of widowed ladies of manors made without the licence of our lord the King; and as to whether they received aught for this, and how much and when.

102. Of such as have procured or conspired to procure that the jurors upon inquisitions held as to the age of heirs should find such heirs to be of full age when in fact they were not so, to the effect that our lord the King should, by such finding, be deprived of his wardship of such heirs.

103. Of such as have retained for their own profit wardships and marriages, either by assessing them at an insignificant value or by concealing them from our lord the King; and of the damage our lord the King has thereby received, and when.

104. Of such also as have seized lands into the hands of our lord the King, and how long they have held them there.



105. <sup>1</sup> De terris captis in manu domini regis que non capi debuerunt & postea restitutis per preceptum domini regis cum preceptum fuerit utrum per precepta restituerentur ad mandatum domini regis ad precepta domini regis vel non.

106. Et <sup>2</sup>de<sup>3</sup> omnibus predictis factis & commissis infra [x]v annos proximo precedentes<sup>4</sup> iusticiarii predicti se intromittant. Et omnes isti qui se sencierunt <sup>5</sup>super hiis<sup>6</sup> gravatos & inde<sup>7</sup> conqueri voluerint audiantur & fiat <sup>8</sup>eis super hoc<sup>9</sup> iusticia. Et ipsi iusticiarii sequantur<sup>7</sup> pro hiis<sup>8</sup> que domino regi<sup>9</sup> contingunt.

107. De magnatibus venientibus et<sup>10</sup> ho-pitandis ad domum<sup>11</sup> religiosi cum <sup>12</sup>perquisiti non fuerunt<sup>12</sup> per gubernatores<sup>13</sup> earundem ad custum earundem vel ad custum proprium contra voluntatem eorundem religiosorum.<sup>14</sup>

108. De hiis qui cujuscumque<sup>15</sup> occasione affinitatis vel alia<sup>16</sup> ratione quacumque fugaverunt<sup>17</sup> in parcis et piscari in vivariis<sup>18</sup> aliorum vel ingressi fuerunt maneria prelatorum<sup>19</sup> religiosorum<sup>20</sup> vel aliorum ad comedendum vel pernoctandum (*sic*) sine licencia dominorum vel ballivorum eorundem maneriorum ad custum eorum<sup>21</sup> vel ad custum proprium.

109. De hiis qui <sup>22</sup>hostia seruras fenestras vel hujusmodi fregerunt & aperuerint<sup>23</sup> seu asportaverint<sup>24</sup> victualia<sup>25</sup> vel alia<sup>26</sup> ceperint in dictis maneris<sup>27</sup> sub colore empcionis vel aliter.

110. <sup>28</sup>De hiis qui trituri & capi faciunt blada<sup>29</sup> religiosorum vel aliorum <sup>30</sup>vel aliqua bona<sup>31</sup> sub colore empcionis vel aliter<sup>32</sup> contra voluntatem eorum quorum bona illa<sup>33</sup> fuerunt.

<sup>1</sup> The text of this article makes nonsense, *a*, *β* and *δ* equally fail to make sense; this is their version: De terris captis in manu domini regis que capi non debuerunt et postea per preceptum domini regis et ejus mandatum [cum (*β*)] ea statim restituerunt vel non. The version given by *v* is at least intelligible: De terris captis in manu domini regis que capi non deberent, si eas retinuerint cum preceptum domini regis inde habuerint nec ne. But no such article was ever issued. The correct version as given by the Exchequer Statute and Precedent Book and other official records is as follows:—Item de terris captis in manu domini regis que capi non deberent et postea restitutis per preceptum regis cum preceptis utrum precepta restituerint ad mandatum domini regis vel non. <sup>2</sup> si de, *a*, *β*; si, *δ*. <sup>3</sup> preteritis, *a*, *β*, *δ*, *v*; <sup>4</sup> *δ* omits quas. <sup>5</sup> *δ* omits; superius, *v*. <sup>6</sup> *sc*, *v*. <sup>7</sup> *δ* omits, *v*. <sup>8</sup> *δ* omits, *v*. <sup>9</sup> *δ* omits, *v*. <sup>10</sup> *δ* omits, *v*. <sup>11</sup> *δ* omits, *v*. <sup>12</sup> *δ* omits, *v*. <sup>13</sup> *δ* omits, *v*. <sup>14</sup> *δ* omits, *v*. <sup>15</sup> *δ* omits, *v*. <sup>16</sup> *δ* omits, *v*. <sup>17</sup> *δ* omits, *v*. <sup>18</sup> *δ* omits, *v*. <sup>19</sup> *δ* omits, *v*. <sup>20</sup> *δ* omits, *v*. <sup>21</sup> *δ* omits, *v*. <sup>22</sup> *δ* omits, *v*. <sup>23</sup> *δ* omits, *v*. <sup>24</sup> *δ* omits, *v*. <sup>25</sup> *δ* omits, *v*. <sup>26</sup> *δ* omits, *v*. <sup>27</sup> *δ* omits, *v*. <sup>28</sup> *δ* omits, *v*. <sup>29</sup> *δ* omits, *v*. <sup>30</sup> *δ* omits, *v*. <sup>31</sup> *δ* omits, *v*. <sup>32</sup> *δ* omits, *v*. <sup>33</sup> *δ* omits, *v*.





105. Of lands taken into the King's hand, which should not have been so taken, and subsequently ordered to be restored by precept from our lord the King ; and whether these particular lands have been so restored in obedience to the command of our lord the King or not.

106. And also of all matters as aforesaid, done and committed within the twenty-five years immediately preceding, our aforesaid Justices are to make inquiries. And all such as consider themselves aggrieved by reason of such acts and commissions and wish to make complaint are to be heard, and justice is to be rendered to them in respect thereof. And the Justices themselves shall prosecute in those matters which touch our lord the King.

107. Of men of dignity and others who, in their journeyings, quarter themselves upon religious houses at the cost of the said houses, without being invited thereto by the rulers of the said houses ; or, even at their own cost, against the wishes of the said religious houses.

108. Of such as, on the allegation of any degree of affinity or for any other reason, have hunted in other men's parks or fished in their stews, or have entered the manors of prelates, religious foundations, or of other persons, that they might sup and pass the night, without the licence or assent of the lords or bailiffs of the said manors, whether at the cost of these or at their own cost.

109. Of such as have broken and opened doors, locks, windows, or aught else of that nature, or have carried away victuals, or have taken aught else in the manors aforementioned, whether under colour of purchase or otherwise.

110. Of such as cause the corn, victuals, or other goods of prelates, religious people, or others, to be thrashed out and taken under colour of purchase or otherwise, against the will of the owners of such goods.



111. De hiis qui ceperunt <sup>1</sup>equos vel boves carros vel<sup>2</sup> carectas naves vel batellos ad cariagium faciendum <sup>3</sup>sine voluntate<sup>3</sup> eorum quorum ipsa<sup>4</sup> bona fuerunt & si per voluntatem eorum de hiis qui non<sup>5</sup> satisfecerint de convencione facta inter eos.

112. <sup>7</sup>De hiis qui vindicamenta fecerunt de hiis qui escas vel hospicium negaverunt. Et similiter de hiis qui vindicamenta fecerunt de hiis qui super hujusmodi gravaminibus in curia domini regis conquesti fuerint.<sup>7</sup>

113. <sup>8</sup>De hiis qui miserunt ad domum religiosorum <sup>9</sup>vel ad domum alicujus<sup>10</sup> equos vel canes ad perendinandum ad custum aliorum.<sup>11</sup>

114. <sup>12</sup>De vicecomitibus venientibus<sup>13</sup> ad ospitandum<sup>14</sup> ad domum alicujus<sup>15</sup> ad plures equos quam ad quinque vel ad sex<sup>16</sup> et qui frequentibus adventibus ultra modum quousque onerantur. <sup>17</sup>Mittens & recipiens graviter puniantur. Omnes puniantur per prisonam & redempcionem legem, reddant dampna in duplo & in defectu legis rex habeat sectam sicut in statuto Westmonasterii cap. primo.<sup>18</sup>

115. De hiis qui levaverunt<sup>19</sup> escapium latronum vel<sup>20</sup> felonum antequam adjudicati fuerint per justiciarios itinerantes.<sup>21</sup> Restituant id quod ceperint & tantum domino regi reddant in eodem statuto cap. iii.<sup>22</sup>

116. <sup>23</sup>De hiis qui sub colore wrecci maris bona aliquorum sibi appropriaverunt cum inde wreccum habere non debeant <sup>24</sup>nec ad eos pertineant.<sup>25</sup> Puniantur per prisonam & redempcionem in eodem statuto cap. iii.<sup>26</sup>

<sup>1-2</sup> equos boves, a; boves equos, β, δ; v omits. <sup>3-3</sup> sine licencia, a, β, δ; contra voluntatem, v. <sup>4</sup> a, β, δ, v omits ipsa; β, δ insert illa after bona. <sup>5-5</sup> fuerint & si de voluntate venditorum vel dimittendo si, v. <sup>6</sup> a, β omits qui non; si eis, δ.

<sup>7-7</sup> De hiis qui indictas ceperunt quibuscunque eo quod escas vel hospicium sibi negaverint. [Et similiter (β)] De hiis qui vindictas [escas, δ] ceperunt eo quod aliqui (aliquo modo super dictis [ab illo supradictis, δ]) gravaminibus in curia domini regis conquesti fuerint, a, β, δ. De hiis qui vindictam fecerint quibuscunque eo quod hospicium sibi negaverint vel eo quod aliquo modo gravati super premissis in curia domini regis sint sibi conquesti fuerint, v. <sup>8-10</sup> De hiis qui consueverint habere ad domos vel ad maneria prelatorum, v. <sup>11-11</sup> et aliorum, homines, a, β, δ. <sup>12</sup> eorum, v. <sup>13</sup> The wording of the text is unusual. <sup>14</sup> v omits venientibus. <sup>15-15</sup> δ omits.

<sup>14-15</sup> in ballivis suis, a, β, δ, v. <sup>15-16</sup> cum pluribus equis quam [a, β, δ, v] cum v vel vj, a; cum quinque vel sex, β; quinque vel sex, δ; sex, v. <sup>16-17</sup> vel qui perfregerunt advectus ultra modum quousque oneraverunt eos, β; vel qui (per frequentes [frequentius, δ]) adventus ultra modum quousque oneraverint eos, a, δ; vel qui frequentes adventus aliquos oneraverint, v. <sup>17-18</sup> This penalty clause is inserted by ζ only. Its proper place is probably at the close of the preceding article. The correct version of this article appears to be as follows:—Item de vicecomitibus venientibus ad hospitandum in ballivis suis cum pluribus quam cum quinque vel sex equis vel qui per frequentes adventus ultra modum quouscunque oneraverint.

<sup>19</sup> a omits; paciebantur, β, δ; permiserunt, v. <sup>20</sup> δ omits latronum vel. <sup>21</sup> a ab eis finem ceperint; δ omits itinerantes. <sup>22-22</sup> Inserted only by ζ. <sup>23-24</sup> De hiis qui colore domini vel alio modo wreccum maris quoruncunque bonorum sibi ipsis appropriaverint cum wreccum habere non debent, v. <sup>24-25</sup> δ omits. <sup>25-25</sup> Inserted only by ζ.



111. Of such as have taken horses or oxen, carriages or carts, ships or boats, for purposes of transport, without the assent of the owners of these ; and, where the assent of such owners was obtained, of such as did not keep the covenants agreed upon between them and such owners.

112. Of such as have wreaked vengeance upon those who refused them board and lodging. And likewise of such as wreaked vengeance upon those who laid complaints in the court of our lord the King as to grievances suffered by them of this kind.

113. Of such as have sent horses or dogs to a religious foundation, or to any other house, there to be fed and maintained at the cost of the owners of the house.

114. Also of sheriffs on their journeys quartering themselves within their bailiwicks with more than five or six horses ; or by their frequent arrivals becoming an excessive charge upon anyone. Both the sender and the receiver are to be severely punished. They are all to be punished by imprisonment and fine, and shall restore the damages twofold ; and if none will sue the King shall have the suit as is declared in the Statute of Westminster the First, chapter the first.

115. Of such as have made any levy for thieves or other felons before these have been so adjudged by the Justices in Eyre. They are to restore what they have taken, and pay as much to our lord the King, as appears by the third chapter of the same statute.

116. Of such as under pretence of wreck of the sea have appropriated to themselves the goods of other folk when they were not entitled to take the same as wreck of the sea, and when such goods did not lawfully accrue to them. Let them be punished by imprisonment and fine, as is set out in the fourth chapter of the same statute.



117. De hiis qui amerciati sunt<sup>1</sup> sine rationabili<sup>2</sup> occasione & ultra quantitatem delicti & non per pares suos<sup>3</sup> per quem amerciati fuerunt.<sup>4</sup> In eodem statuto cap. vi and in magnis cartis libertatis cap. xiii.<sup>5</sup>

118. De prisīs constabulariorum<sup>6</sup> [castrorum] factis talibi quam<sup>7</sup> ubi castra sita sunt et si de bonis eorum<sup>8</sup> qui sunt de eisdem villis non satisfactum fuerit eis<sup>10</sup> infra xl dies exceptis<sup>11</sup> prisīs debitis & consuetis per quem huiusmodi prisē facte fuerint & quando. <sup>12</sup>Prohibetur in eadem carta cap. vii & in statuto Westmonasterii cap. ix.<sup>13</sup>

119. <sup>14</sup>De hiis qui ad<sup>15</sup> mandatum vicecomitum & aliorum ballivorum domini regis vel ad clamorem patrie<sup>16</sup> sequi vel arestari <sup>17</sup>non fecerint<sup>17</sup> felones <sup>18</sup>conversantes tam infra libertatem quam extra.<sup>19</sup>

120. De vicecomitibus coronatoribus vel aliis ballivis [tam infra libertatem quam extra] qui prece precio vel aliqua affinitate conelaverunt vel celari procuraverunt felonias factas in ballivis suis vel <sup>20</sup>se finxerunt<sup>20</sup> attachiare huiusmodi<sup>21</sup> malefactores<sup>22</sup> [in favorem eorundem] qualiter & quomodo.<sup>23</sup> Puniantur per prisonam unius anni cum redempcione & si non sufficiant redempciones puniantur per prisonam trium annorum sicut in statuto Westmonasterii cap. [ix.].<sup>24</sup>

121. De hiis qui rapuerunt puellas infra etatem [existentes] <sup>25</sup>sponte vel invite seu alias mulieres <sup>26</sup>plenas etates habentes<sup>27</sup> contra voluntatem earundem. <sup>28</sup>Amittant vitam & membra in statuto Westmonasterii secundo cap. xxxij & post xl dies in defectu aliorum rex habeat sectam.<sup>29</sup>

122. De vicecomitibus vel<sup>30</sup> aliis ballivis<sup>31</sup> qui replegiaverunt<sup>32</sup> prisonos <sup>33</sup>qui fuerunt irreplegiabiles<sup>34</sup> et qui<sup>35</sup> ceperunt pro plegiis<sup>36</sup> quantum & a quibus.<sup>37</sup> Et si sint ballivi de feodo amittant ballivam imperpetuam & si sint alii ballivi habeant prisonam trium annorum & redimantur ad voluntatem domini regis.<sup>38</sup>

<sup>1</sup> *δ omits.*    <sup>2</sup> *δ omits.*    <sup>3,4</sup> per quos amerciandi fuerunt, *δ.*    <sup>4,5</sup> Inserted only by ζ.    <sup>6</sup> *ν adds et.*    <sup>7-8</sup> de bonis aliorum quam eorum qui sunt (de villis [in villa, *δ*]), *a, β, δ, v.*    <sup>9</sup> *β omits*; aliorum, *δ.*    <sup>10-11</sup> qui de villis castrorum de quibus non fuerint satisfactum.    <sup>12</sup> *δ omits.*    <sup>11</sup> extra antiquis, *a, β*; ex antiquis, *δ*; exceptis veteribus, *v.*    <sup>12-14</sup> Inserted only by ζ.    <sup>11</sup> ζ omits this article. Text from *a.*    <sup>14-16</sup> De hiis qui ad clamorem patrie vel ad mandatum domini regis vicecomitum vel aliorum ballivorum, *v.*    <sup>15</sup> *δ omits* qui ad.    <sup>17-17</sup> noluerint, *v.*    <sup>18-19</sup> *ν omits.*    <sup>20-20</sup> qui sumerunt, *δ.*    <sup>21</sup> *ν omits* huiusmodi.    <sup>22</sup> malefactorum, *δ.*    <sup>23</sup> *ν omits* qualiter et quomodo.    <sup>24-24</sup> Inserted only by ζ.    <sup>25-27</sup> *ν omits.*    <sup>26-27</sup> plene etatis existentes, *a, β, δ.*    <sup>28-28</sup> Inserted only by ζ.    <sup>30</sup> et, *v.*    <sup>30-31</sup> ballivis suis, *δ.*    <sup>32</sup> replegiare presumaunt, *δ.*    <sup>32-37</sup> aliquos qui non fuerint [replegiabiles] et quid ad idem facere ceperint et quantum, *v.*    <sup>33-34</sup> cum non essent replegiabiles, *a, β, δ.*    <sup>35</sup> quid, *c.*    <sup>36</sup> predictis prisonibus replegiandis, *a, β*; predictis prisonis, *δ.*    <sup>37-38</sup> Inserted only by ζ.





117. Of such as have been amerced without reasonable cause and beyond the quantity of their trespass, and not by their peers, by whom alone they should be amerced. See the sixth chapter of the same statute, and the thirteenth chapter of the Great Charter of Liberty.

118. Of prises taken by constables of castles upon the goods of such folk as be not of the town where the castle is ; and of like prises made upon the goods of such folk as be of the town where the castle is, and not paid for within forty days ; always excepting the ancient and accustomed prises ; and through whose orders and through whose agency and when such prises were made. This is forbidden in chapter vii of the same Charter, and in chapter ix of the Statute of Westminster.

119. Of such as have failed to sue and arrest felons at large either within or without franchise when called upon so to do by sheriffs or other officers of our lord the King, or when hue and cry of the neighbourhood was raised.

120. Of sheriffs, coroners, or other officers, as well within franchises as without, as have through entreaty, reward, or any kind of affinity concealed or procured to be concealed any felonies committed within their bailiwicks, or have failed to arrest such misdoers for favour borne to the same ; how and in what manner. Let them be punished by imprisonment for one year, and they shall afterwards make a fine ; and if they have not whereof to make such fine they shall have imprisonment of three years, as is set out in the ninth chapter of the Statute of Westminster.

121. Of such as have ravished any maiden within age, either with her own consent or without, or any woman of full age against her will. Let them forfeit life and limb, as is set out in the thirty-third chapter of the Statute of Westminster the Second ; and if none commence his suit within forty days the King shall sue.

122. Of sheriffs or other officers who have let out by replevin prisoners that were not replevisable, and have taken security for pledges ; how much and from whom. And if such be bailiffs of a fee they shall forfeit their bailiwick for ever ; and if they be bailiffs of other sort they shall suffer imprisonment for three years, and shall make fine at the will of our lord the King.



123. De hiis qui ceperunt vel capi fecerunt averia aliorum<sup>1</sup> in comitatu & ea fugaverunt in alium comitatum<sup>2</sup> per maliciam. Et similiter qui ceperunt averia & districtiones extra feodum suum.<sup>3</sup> Redimantur ut in statuto Westmonasterii cap. xvi & in statuto de Marlberge cap. iii.<sup>4</sup>

124. <sup>5</sup>De hiis qui fugaverunt averia ad castella<sup>6</sup> vel ad alia<sup>7</sup> forcilla<sup>8</sup> & ea ibi<sup>9</sup> detinuerunt contra vadium & plegium cum per vicecomitem et<sup>10</sup> ballivos<sup>11</sup> petite fuerint deliberare.<sup>12</sup> Prosternantur castella & forestalla sine spe relevandi & dampna reddant in duplum ut in eodem statuto cap. xvii.<sup>13</sup>

125. De vicecomitibus & aliis ballivis qui ceperunt debita domini regis <sup>14</sup>Henrici vel domini regis nunc<sup>15</sup> de summonicione<sup>16</sup> Scaccarii <sup>17</sup>et eos nondum acquietent<sup>18</sup> & de heredibus eorum qui non sint<sup>19</sup> superstites & quantum ceperunt & a quibus debitoribus<sup>20</sup>. Et dampnum reddant in duplo receptores & similiter graviter puniantur & si sint mortui reddant heredes [sicut in] eodem statuto cap. xix.<sup>21</sup>

126. De malefactoribus <sup>22</sup>in pareis & vivariis<sup>23</sup> & de hiis qui veniendo <sup>24</sup>morando vel redeundo quamquam<sup>25</sup> roberiam vel feloniam<sup>26</sup> faciant & [de] aliis rebus quibuscumque. <sup>27</sup>Habeant prisonam trium annorum & securitatem nobis inveniant ne amplius deliquerint vel regnum abjuraverint ut in eodem statuto cap. xx.<sup>28</sup>

127. De hiis qui <sup>29</sup>districtiones fecerunt<sup>30</sup> in civitatibus burgis nudinis vel mercatis super homines<sup>31</sup> forinsecos de regno isto<sup>32</sup> pro debito alicujus<sup>33</sup> nisi essent debitores vel plegii <sup>34</sup>[ut] inde partem vel proficuum aliud per convencionem inter eos factam distrixiunt.<sup>35</sup> Graviter puniantur & deliberentur per ballivum loci vel regis sicut notatum in eodem statuto xxiii.<sup>36</sup>

128. De ministris regis qui manutenuerunt per se vel per alios <sup>37</sup>loquelas vel negocia in curia domini regis<sup>38</sup> existentes de terris &

<sup>1</sup> *v* inserts averia aliorum before vel capi fecerunt; *a*, *β*, *δ* insert averia alicujus, in same place. <sup>1-4</sup> et de uno comitatu in alium fugavere vel extra feodum distringi facere, *v*. <sup>1-2</sup> in uno comitatu et ea fugaverint extra comitatum illum in alium, *a*, *β*, *δ*.

<sup>3</sup> *β*, *δ* add fecerunt. <sup>4-1</sup> Inserted only by *ζ*. <sup>5</sup> *a* transposes articles 123 and 124. <sup>6</sup> castra, *a*, *β*, *δ*. <sup>7</sup> *δ*, *v* omit alia; *a*, *β* omit ad alia. <sup>8</sup> forceletta, *a*, *β*, *δ*, *v*. <sup>9</sup> *a*, *β* omit. <sup>10</sup> vel, *a*, *β*, *v*.

<sup>11</sup> alium ballivum, *v*. <sup>11-12</sup> repetita fuerit eorum deliberacio, *a*, *β*, *δ*; petita fuerint (sic) corundem deliberacio, *v*. <sup>12-13</sup> Inserted only by *ζ*. <sup>14-15</sup> *v* omits. Henrici vel successorum suorum, *a*, *β*, *δ*. <sup>16-17</sup> vel summoniciones, *β*. <sup>17-18</sup> et debitores inde non acquietaverunt, *β*, *v*.

<sup>19</sup> *a*, *β*, *δ*, *v* add modo. <sup>20</sup> *a*, *β*, *δ*, *v* omit debitoribus. <sup>21-22</sup> Inserted only by *ζ*. <sup>23-24</sup> parcorum et vivariorum, *a*; in vivariis, *δ*.

<sup>25-27</sup> sive redeundo sive morando quam et qui roberiam fecerint de aliquibus, *v*. <sup>2</sup> quandoque, *a*; secundum que, *δ*. <sup>28</sup> *a*, *β*, *δ* omit vel feloniam. <sup>27-28</sup> Inserted only by *ζ*. <sup>29-30</sup> fecerunt roberium, *δ*. <sup>31</sup> *δ* emits. <sup>32</sup> nostro, *a*, *β*, *δ*; *v* omits. <sup>33</sup> alterius, *β*. <sup>34-35</sup> *v* omits; *a*, *β*, *δ*, *ζ* insert. This passage is misplaced, it belongs to the next article. <sup>36</sup> *a* omits; habeant, *β*, *δ*. <sup>37-38</sup> Inserted only by *ζ*. <sup>37-38</sup> negocia domini regis, *δ*.



123. Of such as have taken or caused to be taken the beasts of other folk within the county and have driven them into another county through malice. And likewise of such as have taken beasts and levied distress outside of their own fee. Let such make fine, as is set out in the sixteenth chapter of the Statute of Westminster and in the third chapter of the Statute of Marlborough.

124. Of such as have driven or caused to be driven the beasts of other folk into castles or other fortresses, and therein have detained them against gage and pledges, when their deliverance was demanded by sheriff and bailiffs. The castles and fortresses shall be beaten down without recovery, and such misdoers shall restore double the damage sustained, as is set out in the seventeenth chapter of the same statute.

125. Of sheriffs and other officers which have received the debts of our lord King Henry, or of our lord the King that now is, by summons issuing from the Exchequer, and have not yet acquitted the debtor, or from the heirs of such debtors as he deceased : how much they received and from what debtors. Let such receivers restore twofold damages, and let them further be grievously punished ; and, if they be dead, let their heirs make such restoration, as is set out in the nineteenth chapter of the same Statute.

126. Of malefactors in parks and stews ; and of such as in coming, tarrying or returning, commit any manner of robbery or felony touching ought else whatsoever. They shall have imprisonment of three years, and shall find Us surety that they shall not after commit like trespass ; or, failing this, they shall abjure the realm, as is set out in the twentieth chapter of the same Statute.

127. Of such as have made distraint upon any stranger, being of this realm, in any city, borough, fair, or market, for any debt whereof he was neither debtor nor pledge, to the end that they might thereout draw some share or profit, through agreement made. Let such be grievously punished, and let the distress be delivered by the bailiff of the place, or by the King's bailiff, as is set out in the twenty-third chapter of the said Statute.

128. Of such officers of the King as by themselves or by others have maintained suits or matters hanging in the King's court for



tenementis<sup>1</sup> et aliis rebus ut habeant inde partem vel alium proficuum per conventionem inter eos factam<sup>2</sup>. Puniantur ad voluntatem regis in statuto Westmonasterii secundo cap. xlvii.<sup>3</sup>

129. De vicecomitibus<sup>4</sup> & aliis ministris regis<sup>5</sup> capientibus munera<sup>6</sup> pro officiis suis exequendis. 7 Dampna reddant in duplo & puniantur ad voluntatem regis.<sup>7</sup>

130. De clericis justiciariorum eschaetorum [vel] inquisitorum capientibus denarios pro capitulis suis<sup>8</sup> deliberandis nisi fuerint clerici<sup>10</sup> justiciariorum itinerantium.<sup>11</sup> Et de illis qui ceperunt ultra iis.<sup>12</sup> ad wapentagium hundredum vel villatam<sup>13</sup> que respondet<sup>15</sup> per xii vel per sex.<sup>16</sup> Reddant triplum & ammittant servicium domini regis per unum annum in statuto Westmonasterii primo cap. xliii.<sup>17</sup>

131. De hiis qui ceperunt indebita & superflua tolmeta<sup>19</sup> in civitatibus burgis vel alibi contra usum regni. <sup>20</sup>Si per dominium fiat capiatur libertas mercati in manu domini regis & si per ballivum fiat reddat querenti tantum quantum cepisset ab eo si tolmeta asportasset habeat prisonam xl dierum id eodem statuto cap. xxix.<sup>21</sup>

132. <sup>22</sup>De civitatibus burgis capientibus<sup>23</sup> muragium per dominum regem eisdem concessum aliter<sup>24</sup> quam capi debet<sup>25</sup> secundum concessionem eisdem<sup>26</sup> a domino rege concessam<sup>27</sup> et perdant concessionem tempore futuro & graviter puniantur in eodem statuto cap. xxviii.<sup>28</sup>

133. De hiis qui ceperunt victualia vel alia necessaria ad opus domini regis <sup>29</sup>vel ad munitionem<sup>30</sup> castrorum vel alibi <sup>31</sup>ubicunque creditorie<sup>32</sup> cum ceperint debita illa in seaccario Garderopa vel alibi &<sup>33</sup> ea detinuerunt<sup>34</sup> creditoribus. <sup>35</sup>Fiat de terris & catallis suis & solvantur creditoribus cum dampnis & redimantur [ut] in eodem statuto cap. xxx.<sup>36</sup> Et similiter qui partem debitorum<sup>37</sup> domini regis vel alia<sup>38</sup> munera ceperint ut de residuo satisfacerent creditoribus. <sup>39</sup>Fiat ut in capitulo proximo.<sup>40</sup>

134. De hiis qui ceperunt plures equos vel carectas ad cariagium regis

<sup>1-2</sup> from *v*; *a*, *β*, *δ*, *ζ* omit. The version given by *v* is the correct one.  
<sup>2-3</sup> Inserted only by *ζ*. The reference should be to Stat. Westm. I. c. xxv.  
<sup>4-5</sup> et ministris domini regis & aliis ballivis, *v*. <sup>6</sup> munera vel mercedem, *a*, *β*, *v*. <sup>7-8</sup> Inserted only by *ζ*. <sup>9</sup> *a*, *β*, *δ*, *v* omit. <sup>10</sup> *δ* omits. <sup>11</sup> itineris, *v*.  
<sup>12-13</sup> hiis qui plus ceperunt ultra iis, *a*, *β*, *δ*, *v*. <sup>14-15</sup> de wapentagio [&c] . . . *a*, *β*, *δ*. <sup>16</sup> que respondet, *om*, *a*, *β*; quomodo respondent, *β*; que respondent, *v*.  
<sup>17</sup> *v* omits vel per sex. <sup>18-19</sup> Inserted only by *ζ*. The reference should be to cap. xxvii. <sup>20-21</sup> superflua tolmeta, *a*, *β*, *δ*; indebita tolmeta, *a*, *β*, *δ*; superflua tolmeta vel indebita, *v*.  
<sup>22-23</sup> De civitatibus burgis capientibus, *om*; De hiis qui civitatibus burgis capiunt, *v*. <sup>24-25</sup> quam facere debent, *a*, *β*, *δ*, *v*.  
<sup>26</sup> *a*, *β*, *δ*, *v* omit. <sup>27-28</sup> Inserted only by *ζ*. <sup>29-30</sup> sive ad invencionem, *v*. <sup>31-32</sup> ubicunque nomine creditoris, *a*, *β*; sub quocunque colore cepit, *v*. <sup>33</sup> *v* omits. <sup>34</sup> *v* adds *a*. <sup>35-36</sup> Inserted only by *ζ*. <sup>37-38</sup> debitorum, *a*, *β*, *δ*, *v*; donorum, *ζ*. <sup>39</sup> *a*, *β*, *δ* omit.  
<sup>40-41</sup> Inserted only by *ζ*.





lands, tenements, or other things, to the end that they might have part or profit thereof by covenant made between them. Let such be punished at the King's pleasure, as is set out in the forty-seventh chapter of the Statute of Westminster the Second.

129. Of sheriffs and other officers of the King taking reward to do their offices. Let them yield twice as much, and be punished at the King's pleasure.

130. Of clerks of justices, escheators or enquirors taking any fee for delivering their chapters, except such as be clerks of justices on their circuits. And of such as have taken more than two shillings from wapentake, hundred, or town that answer by twelves or by sixes. Let them yield threefold, and forfeit the service of our lord the King for the space of one year; as appears in the Statute of Westminster the First, chapter xxvii.<sup>1</sup>

131. Of such as take undue and excessive toll in cities, boroughs, or elsewhere, contrary to the common custom of the realm. If such be done in the King's town which is let in fee farm the King shall seize into his own hand the franchise of the market; and, if it be done by a bailiff, he shall restore to the plaintiff so much more as he had of him, if he had carried away his toll, and shall have forty days' imprisonment, as appears in the same statute, chapter xxxi.<sup>2</sup>

132. Of citizens and burgesses, to whom the King hath granted timber, taking such timber otherwise than it was granted unto them by the grant of our lord the King. They shall lose their grant for ever and shall be grievously punished under the provision of the same statute, chapter xxxi.<sup>2</sup>

133. Of such as take victuals or other necessities to the King's use, or to the garrison of a castle or otherwise whatsoever on credence, and having received their payment in the Exchequer, Wardrobe, or otherwise, withhold it from the creditors. It shall be levied of their lands and goods, and payment shall be made to the creditors together with the damages they have sustained, as is set out in chapter xxx of the same statute. And in like fashion shall such as take part of the King's debts or other rewards of the King's creditors that they may make payment for the same debts be punished as appeareth in the subsequent chapter.

134. Of such as take horses or carts for the King's carriage more

<sup>1</sup> See note on opposite page.

<sup>2</sup> Statute of Westminster I. Statute

of Westminster II does not deal with these matters.



faciendum <sup>1</sup>quam necesse<sup>1</sup> fuerit & qui munera ceperunt pro eisdem dimittendis <sup>2</sup>quid & quantum<sup>2</sup> & a quibus. <sup>3</sup>Si in curia fiat puniatur per marescalciam si extra curiam fiat reddat triplum & habeat prisonam xl dierum in statuto cap. xxix.<sup>4</sup>

135. De magnatibus & eorum<sup>5</sup> ballivis & similiter de aliis exceptis<sup>6</sup> ballivis<sup>7</sup> domini regis quibus<sup>8</sup> datur specialis auctoritas qui ad instanciam cujuscunque sive auctoritate sua<sup>9</sup> propria<sup>10</sup> attachiaverunt quoscunque vel<sup>11</sup> bona eorum transeuncia<sup>12</sup> per eorum potestatem<sup>13</sup> compellendo per hoc<sup>14</sup> ipsos ad respondendum<sup>15</sup> coram<sup>16</sup> eis de contractibus conventionibus<sup>17</sup> & transgressionibus<sup>17</sup> factis<sup>18</sup> extra potestatem & jurisdictionem [eorundem] cum nichil<sup>19</sup> teneant de ipsis <sup>20</sup>nec infra eorum libertatem. <sup>21</sup>Reddant attachiatis dampna in duplo & graviter amercientur, in eodem statuto [cap.] xxx.<sup>22</sup>

136. De vicecomitibus & aliis ballivis qui non<sup>23</sup> permiserunt<sup>24</sup> quoscunque pascere<sup>25</sup> averia sua in sua propria<sup>26</sup> capta et imparcata & quot<sup>27</sup> ceperunt pro custodia eorum cum illi quorum averia illa fuerunt parati hoc facere fuerunt.<sup>28</sup> Et hoc intelligendum est<sup>29</sup> post parliamentum <sup>30</sup>de termino sancti Michaelis <sup>31</sup>anno regni regis Edwardi iii.<sup>32</sup> Et de hoc tractato infra in statuto secundo.<sup>33</sup>

137. De averiis captis pro debito domini regis <sup>34</sup>vel alia occasione<sup>34</sup> per quemcunque<sup>35</sup> infra xv<sup>35</sup> dies venditis post capcionem predictam<sup>37</sup> <sup>38</sup>post predictum parliamentum<sup>39</sup> ut in statuto precedenti.<sup>40</sup>

138. De districtionibus [factis] postquam dominus rex<sup>41</sup> inhibuit in eodem<sup>41</sup> parlamento per animalia<sup>42</sup> ad waynagium<sup>43</sup> terrarum deputata vel<sup>44</sup> bidentes pro debito domini regis vel aliorum vel alia occasione quacunque<sup>45</sup> per quemcunque<sup>46</sup> cum alia districcio sufficiens inventa fuerit.<sup>47</sup> Et similiter<sup>48</sup> de superfluis districtionibus factis tam post istud<sup>49</sup> parliamentum quam ante.

<sup>1-1</sup> creditori suo,  $\delta$ . <sup>2-2</sup> from a,  $\beta$ ,  $\delta$ , v; quos et qualiter,  $\zeta$ . <sup>3-4</sup> Inserted only by  $\zeta$ . <sup>5</sup> omits. <sup>6</sup> a,  $\beta$ ,  $\delta$  omit exceptis. <sup>7</sup> ministris, a,  $\beta$ ,  $\delta$ , v. <sup>8</sup> a,  $\beta$ ,  $\delta$  add ad hoc. <sup>9</sup> a,  $\beta$ ,  $\zeta$ , v omit sua. <sup>10-11</sup> aliquos attachiaverint quoscunque, a,  $\beta$ ,  $\delta$ . <sup>12</sup> transeuncium, a,  $\beta$ ,  $\delta$ . <sup>13-15</sup> et per hujusmodi compellunt, v. <sup>14</sup> a,  $\beta$  omit per hoc. <sup>16</sup>  $\delta$  omits. <sup>17-17</sup> from a,  $\beta$ ,  $\delta$ , v;  $\zeta$  omits. <sup>18</sup>  $\delta$  omits. <sup>19</sup> non,  $\delta$ . <sup>20-21</sup> nec infra libertates suas, a,  $\beta$ ,  $\delta$ ; infra libertates suas, v. <sup>21-22</sup> Inserted only by  $\zeta$ . <sup>23</sup> v omits. <sup>24</sup> comiserunt, a,  $\beta$ ,  $\delta$ . <sup>25-25</sup> quascunque pasturas,  $\delta$ ; pascere, v. <sup>26-26</sup> propria illa fuerit hoc facere parati sint, v. <sup>27-27</sup> de suo proprio averia sua, a,  $\beta$ ,  $\delta$ . <sup>28</sup> qui, a,  $\beta$ ; quid,  $\delta$ . <sup>29</sup>  $\beta$ ,  $\delta$  omit. <sup>30</sup> v omits. <sup>31-31</sup> domini regis Edwardi patris regis nunc tercio in termino sancti Michaelis, a,  $\beta$ ,  $\delta$ . <sup>32-32</sup> v omits. <sup>33-33</sup> Inserted only by  $\zeta$ . <sup>34-34</sup> from a,  $\beta$ ,  $\delta$ , v;  $\zeta$  omits. <sup>35</sup> per quodeunque judicium, a,  $\beta$ ; per quoscunque judicatis],  $\delta$ . <sup>36</sup> xvij.  $\delta$ . <sup>37</sup> a,  $\beta$ ,  $\delta$ , v omit. <sup>38-38</sup> from a,  $\beta$ ,  $\delta$ , v;  $\zeta$  omits. <sup>39-40</sup> Inserted only by  $\zeta$ . <sup>41-41</sup> non habuit in dicto, v. <sup>42</sup> v omits per animalia. <sup>43</sup> de waynagio, a,  $\beta$ . <sup>44-44</sup> terras deputatas vel etiam per, v. <sup>45</sup> a,  $\beta$  add vel per quodeunque judicium vel; as does  $\delta$ , omitting vel. <sup>46</sup>  $\delta$ , v omit per quemcunque. <sup>47-47</sup> cum alie districtiones [see . . .] v; cum alium sufficientem districtionem invenire potuit,  $\delta$ . <sup>48</sup> inveniri potuit, a,  $\beta$ . <sup>49</sup> etiam, v. <sup>50</sup> idem, a,  $\beta$ ,  $\delta$ ; predictum, v.



than need be, and take rewards to let such horses and carts go. As to who did so, and what and how much he took. If any of the Court do so, he shall be grievously punished by the Marshal, and if it be done out of the Court, he shall pay treble damages, and shall remain in prison for forty days, as set out in the statute, chapter xxxii.<sup>1</sup>

135. Of great men and their bailiffs, and others, the King's officers only excepted, unto whom especial authority is given, which at the complaint of some, or by their own authority, have attached others, or their goods, passing through their jurisdiction, compelling them to answer afore them upon contracts, covenants and trespasses, done out of their power and their jurisdiction, where indeed such hold nothing of them, nor be within their franchise. Let such that have so done pay unto him that was so attached his damages double, and he shall be grievously amerced, as is provided by the same statute, chapter xxxv.<sup>1</sup>

136. Of sheriffs and others, being bailiffs who have not allowed those whose beasts have been seized and impounded to feed such beasts at their own expense; and what sums they took for the care and keep of such beasts, when the owners of the said beasts were ready themselves to provide for them. And this is to be taken as applying only to matters arising since the Parliament holden in the Michaelmas Term in the third year of the reign of King Edward. And this is treated of below in the second statute.

137. Of beasts seized for debts due to our lord the King, or for any other reason, and sold by anyone within fifteen days of being so seized. And this also is to be taken of matters arising since the aforesaid Parliament referred to in the preceding article.

138. Of distresses made since the time when our lord the King in the same Parliament ordered that no beast of the plough or sheep should be seized for any debt owing to our lord the King or to other person, or on any pretence whatever by any whatsoever, provided that other sufficient distress could be found. And likewise of excessive distress made as well after the aforesaid Parliament as before it.

<sup>1</sup> *sc.* Statute of Westminster I. The text is very corrupt as to these references.



139. Et hec omnia contingencia<sup>1</sup> dicta<sup>2</sup> statuta districta<sup>3</sup> & aperte inquirantur ita quod cuilibet conquerenti fiat justitia & quod pene in eisdem 'statutis contente' cuilibet<sup>6</sup> offendenti<sup>7</sup> adjudicentur sive ad sectam<sup>9</sup> regis sive ad sectam<sup>10</sup> aliorum secundum<sup>11</sup> quod in eisdem statutis continetur.<sup>12</sup> Pene autem<sup>13</sup> in eisdem statutis<sup>14</sup> contente adjudicande sunt<sup>15</sup> de commissis post festum sancti Michaelis anno regni regis Edwardi<sup>15</sup> patris regis Edwardi nunc<sup>15</sup> iij<sup>16</sup> & non ante. Tamen<sup>17</sup> de transgressionibus & offencionibus<sup>18</sup> [prius] factis talis<sup>19</sup> adjudicetur pena qualis ante statuta predicta adjudicari consuevit in casibus consimilibus.

140. De hiis qui capiunt mercedem ab alico<sup>20</sup> pro advocaria<sup>21</sup> habenda cum non sint eorum tenentes nec residentes in tenuris suis.

141. <sup>22</sup>De hiis qui mutuis sacramentis se astringant ad partes placitorum sive loquelarum amicos vel benevolentes<sup>23</sup> tangentes fraudilenter sustinendum vel defendendum<sup>24</sup> in assisis juratis vel recognicionibus<sup>25</sup> per quod rei veritas in hujus modi placitis vel loquelis non potest convinci.

142. De terris & tenementis que venerunt<sup>26</sup> in<sup>27</sup> manum mortuam post statutum Gloucestrie<sup>28</sup> anno<sup>29</sup> regis Edwardi<sup>30</sup> vito.<sup>31</sup>

<sup>32</sup>*Explicunt Capitula nova & vetera & Pene in statuto.*<sup>32</sup>

#### <sup>33</sup>IV.

Ceo est le comencement del heir de Kent.—La maner coment les justicez feseient le primer jour del heir : Primes Sire Henry de Stanton la chef justice dit coment nostre seigneur le roy li avoit maunde la, ensemblement ov sex autres compaynons, a tenir les plees del heir de tout le cunte par certain garant, & fit lier lour comission, qe fut tiel.

*Comissio Justiciariorum in Itinere.*

Edwardus dei gratia &c. . . . [The commission is here set out.]

<sup>34</sup>*Breve communis summonicionis Itineris.*

Edwardus dei gratia &c. vicecomiti Kancie salutem &c. . . . [The writ is here set out.]

<sup>1</sup> que contingunt, a, β, δ, v.    <sup>2</sup> ad, δ.    <sup>3</sup> distincte, v.    <sup>4-5</sup> statute, v.  
<sup>6</sup> δ omits.    <sup>7</sup> offendenti, a, β, δ, v; ostendenti, ζ.    <sup>8-12</sup> δ omits.    <sup>9</sup> seaccarium.  
β.    <sup>10</sup> a, β, v omit ad sectam.    <sup>11</sup> item, v.    <sup>12</sup> v omits autem.    <sup>13-14</sup> contentis  
adjudicatum fuerit, v.    <sup>15-16</sup> from a, β, δ; ζ, v omit; β, δ omit Edwardi.    <sup>16</sup> tercio,  
a, δ; iij, v.    <sup>17</sup> Cum, a, β; δ omits.    <sup>18</sup> v omits et offensionibus.    <sup>19</sup> tali, a.  
<sup>20</sup> de aliquibus, a, δ; de quibuscunque, β; ab aliquibus, v.    <sup>21</sup> advocacione, δ.  
<sup>22</sup> a, β, δ do not repeat this article among the *nova capitula*.    <sup>23</sup> et benivolos, v.  
<sup>24-25</sup> v omits.    <sup>26</sup> devenerunt, a, β, δ, v.    <sup>27</sup> ad, a, β, δ.    <sup>28</sup> a, β, δ, v add  
editum.    <sup>29-31</sup> a, β, δ omit.    <sup>32</sup> v adds regni.    <sup>33</sup> v adds filii regis Edwardi.  
<sup>32-33</sup> ζ only inserts.    <sup>34</sup> Text of IV. from ζ.    An apparently independent account.  
Formal parts, previously given, are omitted.    <sup>35</sup> In margin, Breve de summonicione  
communi Itineris.





139. And searching and public inquiry is to be made into all complaints touching causes of offence in the said statutes provided against ; so that justice may be done to everyone so complaining ; and that the punishments in the same statutes set out may be inflicted upon every evil-doer, whether at the prosecution of the King or at the prosecution of any other, as in the said statutes is set out ; provided always that the penalties in the said statutes contained and provided are to be inflicted only in punishment of offences committed after the feast of St. Michael in the third year of the reign of Edward the King, the father of Edward the King that now is, and not in respect of offences committed theretofore. Nevertheless in respect of trespasses and offences committed theretofore such punishment is to be awarded as was in such case customarily awarded previously to the making of the aforesaid statute.

140. Of such as take reward from any that they may come and vouch them, not being their tenants nor residing in their houses.

141. Of such as by mutual oaths bind themselves corruptly to support or defend pleas and actions touching their friends or patrons in assizes, juries, or recognitions, to the end that the truth of such pleas or actions may be concealed.

142. Of lands and tenements that have come into mortmain since the Statute of Gloucester, made in the sixth year of King Edward.

*Here end the Articles both new and old together with the Penalties set out in the Statute.*

#### IV.

This is the commencement of the Eyre of Kent. The order observed by the Justices on the first day of the Eyre : First, Sir Henry de Staunton, the Chief Justice, told how our lord the King had sent him there, together with six others as his companions, to hold the pleas of the Eyre for the whole county, under the authority of a certain commission ; and then he caused this their commission to be read ; and it was after this wise :

*Commission of the Justices of Eyre.*

Edward, by the grace of God etc. [The commission is here set out as given above.]

*Writ of Common Summons of Eyre.*

Edward, by the grace of God, etc., to the Sheriff of Kent, greeting, etc. [The writ is here set out as given above.]



Et pus comensa la chif justice a les bones gens del conte, coment le roy les avoit mande a tenir les plees &c., par ceo qe il voleit qe la pees de sa terre soit bien meintenu & qe comune dreite soit feat auxi as pours com a riches. Et pria a les bones gens qe il se deverent a force a destruer les mauveytes solen la volunte le roy & maintenir tut maner de dreiturs & les altres, pur la raison qe ceo fut le primer heir que nostre seigneur le roy avoit en sa terre pus son coronement. Et pur ceo que la pees de la terre primes fut estable en ceo conte & les mauvettes osten come en la primes Dengleterre, & mult le plus deveint aforcer de bien fier pur le venue le roy & pur son honur & pur lour profit. Pus dit la justice al vicounte que il rendisit sa verge, & il fit issint, & pus fit le vicounte jurer qe il lealment freit ceo qe a son office apent a les executions & as altres choses durant le eyr & qe il seleroit le conseil le roy & lur conseils, & ly rebayla la verge; & pus jura le suthvicounte alter serment com son mestre fit. Dank fut comande al viconte qe il liveroit les nons de tous iceus qe aveit este vicountes ou coroners pus le dreyn eyr tenu en cel conte jeskes a ore, ou le nons de lour heirs, & il fit issint en un roul. Et pus feseint demander un homme qe fut le heir de un qe avoit este vicounte, & il vint avant, et comand fut qe il liverast sus les roules son pier, & il dit qe il ne les avoit point la, mes pria respit tank qe a lendemein, & les justices de grace granterent &c mes il demorast en lour agardes de ceo qe il ne les avoit pas prestment la adonk &c. Puis fesoient demander altres qe avoint este coroners. Les uns vindrent & avoient les roules prest & les renderent sus en divers pachettes, & pus les justices quant il les avoint veu le fesoient rebailer, a chescun le son de suz le seal les ditz Justices. E ceux qe furent demandez & ne vindrent point, fut comande a vicounte qe il seissit lour terres e la main le roy & qe il ostat feme & enfanz &c. Puis demanderent un qe avoit este coroner & il fut mort, & tesmoigne fut qe il navoit terre ne tenement, mes il avoit espose une femme qe avoit terre, mes mesme ne avoit point de heritage ne de purchase, par quai les justices diseint a les bones gens del conte :—

Bones gens, par ceo qe nous trovoms qe un tiel fut elu coroner le roy par election de tut le conte, & il navoit terre ne tenement par



And then began the Chief Justice to expound to the good people of the county how that the King had sent them thither to hold the pleas etc. by reason that he willed that the peace of his realm should be kept unbroken, and that justice should be ministered indifferently to rich and poor. And he prayed the good people to give their help, as they were in duty bound to do, in beating underfoot wickedness, in accordance with the King's will, and in maintaining all manner of righteousness, seeing that this was the first Eyre which our lord the King had held in his realm since his Coronation. And because the peace of the realm was first established in this county and crime was here first beaten down underfoot in England, so the more for this reason were they bound, through their attendance there, to do what best was for the good and honour of the King, and for their own profit. Then the Justice bade the Sheriff surrender his wand, and so he did; and then the Justice caused him to swear that faithfully he would acquit himself of all duties pertinent to his office, whether touching executions or aught else, during the Eyre, and that he would keep secret the counsel of the King and the Justices. Then the Justice returned to him his wand; and then the under-sheriff made oath after the same fashion as his master had done. Then was it given in charge to the Sheriff that he should make return of the names of all such as had been sheriffs or coroners, or the names of their heirs, since the last Eyre holden in that county up to the present time; and the Sheriff made such return on a roll. Then was called a certain man who was heir of one who had been sheriff, and he appeared, and he was bidden to deliver up his father's rolls. But he answered that he had them not there, and prayed respite till the morrow; and thus the Justices granted him as a matter of grace, but nevertheless it must needs be that he remain under judgment, seeing that he had not the rolls then and there with him. Then were others called who had been coroners. Some of them came, having their rolls ready, and delivered them up in their several bags. And when the Justices had seen them, they caused them to be returned, each to its respective owner, under the seal of the said Justices. And touching those who were called and came not, charge was given to the Sheriff that he should seize their lands into the King's hand and oust their wives and children etc. Then they called one who had been coroner, and was dead. And it was testified that he had neither land nor tenement, but had married a wife who had land, but he himself had none, either by inheritance or purchase. And by reason of this THE JUSTICES said to the good people of the county:

'Good people, because we find that such an one was elected King's Coroner of the whole county, having neither land nor tenement by



quay le roy purra estre servi, par quay nous charchom ceux del conte a respondre par ly de office de corouner en tut le eir.

Un altre fut demande qe avoit este corouner, qe fut mort, & dit fut qe sa feme avoit ses terres, & demanderent ces executours. Un home vint en courte qe fut executour a<sup>1</sup> sa feme, & comande fut a tel executour qe il rendist les rouls de la coroune, & il dit qe il avoit este devant les ordiners & avoit aministration joint of la feme qe fut chif executrice en qi gard les rouls demorerent, & issint qe il ne poet avenir, etc.

Par HERVY. Par ceo qe il ne put dedir qe il navoit des chateus & de biens le mort, nous agardons qe il eit ore la charge & est lies, ceo fut agard a la prison, & qe les terres la femme qe fut executrice fussent pris en la main le roy & qe son corps fut pris.

Un altre fut demande qe fut corouner & avoit ij files, & celi qe avoit espose la cynesse demande ly fut qe il liverast le rouls de la coroune, & il ne les avoit mie, par quai il fut comande a la prison.

Un altre fut demande qe avoit este corouner, qi fut mort, & son fitz denz age. Son gardein fut demande qe vint en courte, & comande ly fut qe il rendit les roules de la coroune, e il ne les avoit pas prest en courte, par quai il fut comande a la prison.

Et donk firent demander ceus qe furent adonk en office de corouner, & ceus qe ne vindrent pas comanderent a seisir lour terres en la main le roy & a oster feme & enfanz & respondre al roy des issues & attacher les par lour corps.

Et dounk feseint demander les corouners des franchises & les bailifs, & feseint mesme le proces &c.

*Prima Proclamacio.*] Puis feseint crier & comander de part le roi sur pein denprisonnement qe tous ceus qe furent attains de conspiraci en le drayn eyr, ou devant sire Roger Brabazon & ces companions justices assigne en eel conte drein de divers trespas a oyer & terminer, qe il voidasent la ville hastivement & qe il ne aprochasent la vile par douz lieuz onvirs, mes sil eient a pleder qe il se proferint meintenent en lour ples & il serount tost delivers, issint qe il pout aler & revenir en un jour sanz feire demeure &c.

<sup>1</sup> *Sic.*





which the King could be profited, we make the county during all the continuance of the Eyre responsible for all matters for which he, as coroner, would have been responsible.'

Then was another called who had been coroner, and was dead. And it was reported that his wife had his lands; and his executors were called. Then there came into court one who was executor with the wife, and he was ordered to deliver up the coroner's rolls. He answered that he had been before the Ordinaries and had been granted joint administration with the wife, who was chief executrix; and the rolls were in her custody, and so he could not produce them, &c.

STAUNTON J. Since he cannot deny that he had chattels and goods belonging to the deceased, we say that he is still in possession and is responsible. So it was ordered that he should go to prison, and that the lands of the wife who was executrix should be seized into the King's hand, and her person attached.

A certain other one who had been coroner was called. Now this man had left two daughters, and he that had married the elder was charged to deliver up the rolls of the coroner; but he had them not, and so order was made that he should go to prison.

Then was another who had been coroner called, and he was dead, and his son was under age. The son's guardian was called, and he came into court and charge was given to him that he should deliver up the coroner's rolls; but he had them not ready in court, and so he too was committed to prison.

And then were those called who yet filled the office of coroner. And, touching those of them that came not, command was given that their lands should be seized into the King's hand, that their wives and children should be ousted, and that they themselves should be attached and that the sheriff should be held responsible to the King for the issues of their lands.

And then were called the coroners of franchises and the bailiffs, and the same procedure was followed.

*First Proclamation.*] Then the Justices caused proclamation to be made that by the King's commands all such as had been attainted of conspiracy in the last Eyre, or before Sir Roger Brabazon and his associated Justices assigned to hear and determine divers trespasses within that county, should suddenly withdraw themselves from the city and should not approach within twelve leagues of it on pain of imprisonment; provided, however, that such as had pleas to plead might straightway enter an appearance, so that, being delivered with all speed, they might go there and return on the same day, without making sojourn there.



*Secunda*] Puis feseient crier qe nul marche ne feire fut tenu aliours qe en la cite de Kent durant le eir.

*Tercia*] Puis feseient crier qe nul curte ne plei fut tenu denz le conte durant le eirs, fors pris plee de terre par bref de drei patent e apeles en conte.

*Quarta*] Puis feseient crier qe nul home prist rien pur louer de hostel durant le eir de ceux qe furent venuz par raison del eir.

Puis fut un corouner amercie par ceo qe il livera sus son office de la coroune escrit en quier & non par en roul. Puis baylierent lo corouners lour rouls arere enseles de lour seals &c.

Puis mistrent ascuns avant lor cleimes de franchises, & sire Bartholomew de Badelesmere vint a son conseil a mettre cleim pur la franchise del conte de Gloucestre, & les justices diseient qe il ne li recevra pas, mes disaint qe il dait pur li mesme ceo qe il voleit & il sen ala a consailer, & mit son claine pur sa franchise demesne, & puis vint le conte de Oxenford & ses profri pur ces terres a clamer sa franchise, & fit deux atornes generals par bille en tous pleez muez ou a movers, & le seynur de Moubray & plusurs altres bones genz en mesme la maner, & donk fut crie feat jeske a lendemain.

La seconde jour dit la Chief Justice al vicounte qe il feit venir devant li deux chivalers & deux serianz del conte & plus leals & le meuth se conuseint en chescun maner de vitail, & le vicounte fit cesi. Et donk furent jurez qe il feroient lealment ceo qe home les chargera de par le roy, & donk la justice le comanda qe alasson fere le assay des vins & ceres, qe il trovasen bones qe ils le leroient en pees, & sil trovasent nuls purriz qe ils les treiasen en la rue & debruserent les tonels. E puis qe il feseint mettre assise de vin pain & serveis, forment, aveins, & de cheun maner de chares, &c.

Puis feseint demander le chefs baylies de chesun hundred, & dit a chesun pur li qe sil fusent attaint devant ses hours de nul maner de conspiraci ou de chaumpert, ou sil entenderent ester entageles de nul maner de plee de coronne devant le eir ou de nul maner de mauveis baretez, qe il se aloient pur perils avenir apres, & si le revers seit trove il seront chastiez qe il sentroun totes lur vies.



*Second.]* Then they caused proclamation to be made that no market nor fair should be held elsewhere than in the city of Canterbury during the Eyre.

*Third.]* Then they caused proclamation to be made that no court nor plea be held within the county during the Eyre, save only plea of land by writ of right patent and appeals in the county court.

*Fourth.]* Then they caused proclamation to be made that no man should take aught for letting of lodgings during the Eyre from those who came there by reason of the Eyre.

Afterwards was a certain coroner amerced because he delivered his Crown records in quire and not in roll. Then the Justices returned to the coroners their rolls sealed with the seals, &c.

Then certain persons made claim to franchises; and Sir Bartholomew de Badelsmere instructed his counsel to claim a franchise on behalf of the Earl of Gloucester, but the Justices said that they could not hear counsel, and that the Earl must say himself what he wanted to say. So the Earl went out of court to confer with his counsel, and then put in his claim for his own franchise. Then came the Earl of Oxford and proffered himself to make claim of his franchises in his lands, and appointed two general attorneys by bill for all his pleas moved or to be moved; and the Lord de Mowbray and several other persons of dignity did similarly; and then was the Court adjourned by proclamation till the morrow.

On the second day the Chief Justice bade the Sheriff bring before him two knights and two serjeants of the county, those that were most honest and had most knowledge of every kind of food. And the Sheriff did so. Then were these four men sworn faithfully to acquit themselves of whatsoever they should be charged with in the King's name; and then the Justice commanded them to go and test the wines and ales, leaving undisturbed those that they found to be of good quality; but if they found any that was musty, then were they to have the casks containing it taken into the street and there staved in. And then were they to make an assize of wine, bread, and beer, wheat, oats, and every manner of meat, etc.

Then caused they the chief bailiffs of each hundred to appear before them; and they warned each one of them that, if ever before this present time he had been attainted of any manner of conspiracy or champerty, or if he had reason to believe that he was implicated in any plea of the Crown before the Eyre, or had been concerned in any evil barratry, then should he withdraw himself if he would escape consequent punishment; otherwise, upon proof of such antecedents, the Justices would inflict such chastisement upon him as he would remember all the days of his life.



Et dunk lur feit jurer qe ils elirrount ij homes de chesun hundred de sa bailie qe meus sachent<sup>1</sup> . . . si Die vous eid &c.

Et tretous le bailif par eux fesaint tel serment, & puis alerent le bailifs jures & elurent de chescunt hundred ij prodes homs *ut supra*, & liverent as justices lour nons.

Et puis vindrent plusurs grant seynurs & mistrent avant lor cleimes pur lour franchises. Les justices dient qe ils receiveront volenters, sauve le dreit le roy, de ceo qe il ne vindrent pas le primer jour del eir come il furent garnis per la comune somons, de quai il demorent en jugement; & les uns mistrent lur cleme par attorne & furen receu en mesme la maner a valer qe valer purra, & sur chescun bille mistrent remembrance qe ele fut mis avant le second jour.

E le priour de la Trinite mit son cleime le primer jour, & pus vint le second jour & voleit aver feat son cleime plus large & plus plein qe il ne fut, & il le recevrent pur tant com il valut.

Le tierce jour le ij homes qe furent elus de chescun hundred vindrent devant justices & feseint mesme le serment *ut supra*, qe il eliront xvi de leals & autres &c *ut supra*, & pus liverent sus lur panels as Justices. Puis furent xvi homes de chescun hundred de tut le conte demandes, ascuns qe vindrent devant justices furent jurez en ceste maner. Ceo oiez vous Justices qe<sup>2</sup> . . . si me eyde Deus & ses saints. Et issint fut chescunt sermente par sey. Mes puis vint un & dit qe il fut general attorne le conte de Lancastre, par quay il fut oste par agard & altre mis en son leu. Et pus fut un altre demande & il ne vint pas, par quay fut comande al vicounte par les Justices qe ses terres furent seisis en la mayn le roy & qe il ostant feme & enfanz & qe il fut responat[able?]<sup>3</sup> des bones issues.

Puis vint Bartholomew de Badesmere & dit qe les usages de Kent qe tut temps unt este alowe qe il voleit ore alower.

HERVI. Voluntiers ceo qe reson veut sera alowe.

GOLDYNGTONE. Vous venez mou tard de mettre vostre cleime.

Pass. Melliour<sup>3</sup> qe nous venoms, nous venoms en hour par ceo qe ceo nest un franchise, enz est usage a la comune lay.

<sup>1</sup> The oath is here set out as previously given. <sup>2</sup> There is a very faint mark over the last two letters of *responat* in the MS. which might possibly indicate a contraction.

<sup>3</sup> The sense required seems to be 'whenever we come, we come in time'; but it is difficult to get it out of the text as it stands. Possibly something lurks under *noillour*, some such phrase as *a tel hour qe*.





And then were the chief bailiffs sworn to choose two men from each hundred of their respective bailiwicks that were best informed. God helping them, &c.

And each several bailiff made this oath; and then, after having been sworn, they went away and chose from each hundred two good men and true as above, and made return to the Justices of their names.

And then came several great lords and made claim to their franchises. The Justices said that they would willingly receive them, saving the King's rights; but, seeing that they had not come on the first day of the Eyre as they had been bidden by the writ of common summons, they must abide judgment. And some made claim by attorney, and their claims were received in the same way for what they might be worth; and upon each bill it was noted that these claims had been made on the second day.

The Prior of Trinity made his claim on the first day, and on the second day came again, and sought to make a larger and fuller claim; and this claim was received, subject to what it might be worth.

The third day the two men that were chosen from each hundred appeared before the Justices and made oath after the same form as is given above, that from themselves and others of the hundred they would choose sixteen who would faithfully &c, *as above*; and afterwards they delivered up to the Justices the panels containing the names of these. Then were these sixteen men of each hundred in the whole county called; and those of them who came before the Justices were sworn in manner following: 'Hearken to this, ye Justices . . . so help me God and His Saints.' And after this manner was each one severally sworn by himself. Now afterwards there came one who said that he was the attorney general of the Earl of Lancaster; and by reason of this his name was removed from the panel of the Judges, and another one inserted in its room. Then was a certain other one called, and he came not; wherefore charge was given to the Sheriff by the Justices that he should seize his lands into the King's hand and oust his wife and children; he, the sheriff himself, being made responsible for profits arising from the lands.

Then came Bartholomew de Badesmere and asked that the customs of Kent as from all time they had been allowed should now be confirmed.

STAUNTON J. Willingly, so far as they are reasonable.

GOLDINGTON J. You are much too late with your claim.

*Passley.* It is more in order that we come now than before [?]; for we come in time because this is not a matter of franchise, but a common-law custom.



Puis furent les chivalers demandez qe furent asseriours de vitails & assararent furment. & mistrent le quart de furment a vi s., avein a iii s., char de bef melior a xiii s. iiii d., carcois de moton le meliour a xviii d., carkers de vele a ij s., carkeis de pork melior a iiii s., purel le melior a vii d., geli le melior a ij d., poucin. [i] d., capon iiij d., gras owe iiij d., megre owe iiij d., vin le melior le galon a iij d., une bone galon de servois a i d., & des totes suttinomes qe meins valerent, moindre pris fut mis.

Et pus vint un home de la duzeine & dit qe il entendi estre home de saint eglise, & les justices se fesaint ceo jurer; & pus vint un altre & dit qe il ne fut<sup>1</sup> reseant en un altre hundred, *hoc non obstante* demeura en pees par agard. *Et quidam dixerunt* qe sil fut demoraunt en altre conte il seroit mis en enquest, par reson de ses terres en mesme le conte ou le leir fut, *ut patet in brevi de communi summonitione* qe veut qe tous les frankstenans soient sumons, dont sil ne veinent le roy seissera lour terres & otera f-me & enfantes &c.; & sil venunt & soient elu, il covent qe ils estoient, sil ne dient autre ancheson, par quay &c.

Puis furent autres demandez, des quels ascuns ne vindrent point, & le bailif fut demande & vint, & demande luy fut pur quay il navoit pas ilok les xiiij qe les ij avoient elu, e pur quay il navoit mie servi le roy solom sont serment, & il dit qe les uns qe furent elus furent demoranz en Chepey denz la franchise de v portez, par quay il nosa mi entre lur franchise, par quay il fut amercie, a c.s., & commande fut a vicounte qe il feit venir les xiiij qe les ij avoient elus.

*Nota quod in itinere Justiciariorum non sunt nisi duo brevia originalia de gratia, videlicet breve de attincta & falso judicio, & aliquando breve de attincta est de cursu pro puero infra etatem per sectam.*

E ceuz qe furent eluz en duzene furent jures, nent encontre esteaunt qe il se chalangerent mesme qe il avoit este bailif le roy. E pus quand tous les dozeinez furent jurez, fut la crie feat qe tous les chivalers, seneschals de grantz seimours venissent devant eux de oier la volunte le roy, [&] fut demande de eux & les chargea par la feoi qe

<sup>1</sup> The reporter originally wrote *ne fut mi*. He then erased *mi*, but apparently forgot to erase *ne* also.



Then were called the knights that were assessors of victuals and corn and they assessed the quarter of wheat at 6s., oats at 3s., a whole beef of the best quality at 13s. 4d., a whole sheep of the best quality at 18d., a calf at 2s., a whole pig of the best quality at 4s., a sucking-pig of the best quality at 7d., a fowl of the best quality at 2d., a chicken 1d., a capon 4d., a fat goose 4d., a lean goose 3d., a gallon of the best wine 3d., a gallon of good beer 1d., and when any of the above-named should be of a quality less good than the best then were they to be sold at a less price.

And then came one that had been chosen of a dozen, and said that he claimed to be a man of Holy Church; and the Justices made him make oath of this. Then there came another and said that he lived within another hundred, yet notwithstanding this the Justices decided that he was liable to serve. And it was said by some that even if he did live in another county and yet had land in the county where the Eyre was being holden he was liable to be put upon an inquest, as is clear from the words of the *writ of common summons*, which directs that all freholders be summoned, and that the lands of those that come not are to be seized into the King's hand, their wives and children being ousted etc., and if they came and were chosen of an inquest they were bound to serve on it, unless they could allege some other reason why they should be excused.

Then were certain others called, some of whom came not; wherefore the bailiff was called, and when he came he was asked why he had not the fourteen there whom the two had chosen, and why he had thus failed him in the service which he had sworn to render to the King. And the bailiff said that some of those who had been chosen lived in Sheppey, within the liberty of the Cinque Ports, and he dared not enter their liberty; and thereupon he was amerced in the sum of a hundred shillings; and the Sheriff was charged with bringing thither the fourteen men whom the two had chosen.

Note that in an Eyre of Justices there be only two writs issuing as of grace, that is to say, writ of attainr and writ of false judgment; though sometimes a writ of attainr is sued as of one course by suit on behalf of one within age.

And those that had been chosen of dozens were sworn; notwithstanding various objections, including one of a juror who claimed exemption because he had been the King's bailiff. And when all the dozens had been sworn was proclamation made that all the knights and stewards of the great lords should render themselves before the Justices that they might hear the King's will declared. And they were asked to declare to the Justices and charged by the fealty they owed to the



il deyvent al roy qe il testifiasent les justices si Englegerie solert estre presente en cel counte ou devant Justices en eir, & sil testifiasent qe il avoit use de presenter, adonk furent chargez coment & par qi e en quel maner & par quex, e qe les certificacon<sup>1</sup> des tous les nons de ceux qi furent mis en exigende par les justices en la drein fin del eyr, e quels se tenderent en conte a la prison, & quels furent utlages & quantz, & quant a ceo point avoint respit del Samadi tank al Lundy prochein ensuant.

En droit de Englegerie, pur ceo qe ceo est conu chose a tous si el fu use en cel counte, ne poaint aver respit, mes *Emond de Passeley* respondit pur tut le conte e dit qe a la venue William le Conquerour tous iceus de Kent furon en le dreiner eschel encontre li, issi qe eux en cel batail se renderent a li par covenant taile e aferme de par le roy, & qe le conte de Kent avereyt & ioierait les loys & les usages qe il avoit use de tut temps, & dit qe il navoit nul Englegerie devant use ne presente en eir, ne use ne apres par forme de lacord qe se fist &c. Et pur ceo qe trove fut par record des rouls del drein eir qe Englegerie fut presente en felonies par ii du sank celi qe occis de part la mere, &c, si fut agard le counte en la merci.

Puis fut demande<sup>2</sup> de vicounte & de bailitis de franchise quels & quantz se renderent a la prison le primer joui del heyr de ceux qi furent mis en baile tank li leir qe ore est de geuz appeles de felonies ou arretez &c, & dit fut qe nul.

Puis feseint erier qe nul home demorast en la sale fors les duzeins qe furent jurez sur pain denprisonnement. E qe tous les dezeinz venissent denz la barre qe il poent oier la volunte le roy, & donk fesaint lier les articles del eir de la corone estinctement qe tous peut oier, e entrepresterent les pointz ou il avoint doute, & puis livera a chescun duzeine une roule des articles, e furent charge de privetez com de felonies, e de ces qe il avoint suspecion de malveites par quay il perderont vie e membre &c, & que il messent chescun feloni en certain en escript, e qe il prisent ov eux de chescun vile en leur hundred

<sup>1</sup> It is just possible that the penultimate letter of this word should be *e*. <sup>2</sup> This word is repeated in the MS.





King true answer to make, whether Englishry had been wont to be presented in that county or before Justices in Eyre; and, should they testify that it had been so presented, then were they further to declare how and in what manner and by whom. Likewise they were to present the names of all such as had been put in exigent by the Justices at the close of the last Eyre, and of all such within the county as had rendered themselves prisoners; also the number and the names of all that had been outlawed; and in respect of these latter points they were granted a respite from the Saturday till the Monday following.

But as touching the question of Englishry no respite could be granted them, for it was within the knowledge of them all whether it was wont to be presented in that county or not. And *Edmond de Passeley* answered on behalf of the whole county and said that at the coming of William the Conqueror all the men of Kent were drawn up in the last line against him, and that in that battle they rendered themselves to him on the strength of a covenant made and confirmed by him, by which it was acknowledged that the County of Kent should have and should enjoy the laws and customs which therein had been had and enjoyed from time immemorial; and Englishry, he said, had not been originally customary nor presentable in Eyre; and, by virtue of the treaty, it had not subsequently become customary or presentable. But because it was found reported on the rolls of the last Eyre that Englishry had been presented in cases of felony by two of the blood of the slain person on the mother's side etc., therefore was the county adjudged to be in mercy.

Then was inquiry made of the Sheriff and bailiffs as to who and how many of those who having been appealed of, or arrested for felonies etc., had been liberated on bail till the coming of the present Eyre, and had surrendered themselves at the prison on the first day of the Eyre, and answer was made that not one had so done.

Then was proclamation made that no one should remain in the hall under pain of imprisonment, save only the dozens who had been sworn; and that all the dozens should come within the bar that they might hear what was the will of the King. Then the Justices caused the Articles of the Eyre of the Crown to be read distinctly, so that they might be heard of all; and they explained such points in them as a man might not well understand. Then delivered they a roll of the Articles to each dozen; and these were charged to make return of private matters as well as of felonies; as also of those whom they suspected of such crimes as involved judgment of life and limb etc. And they were charged to present each felony distinctly in writing, and they were bidden to take with them the four men and the reeve from each town in their respective



les iiij homes & le provest, e qe eux le meisent a serment e qe eux usent leur verdit de privetes le Lundy prochain suant qe fut le viii jour del Eir.

#### NOTA CLAMEUM.

Ricardus de Hertipol clamat habere retornum brevis, fines & amerciamenta omnium hominum suorum in quacunque regia curia implacitantium, clamat etiam habere liberam warennam in omnibus dominicis terris suis, clamat etiam quod tenentes sui non debent implacitare nec implacitari alibi quam in curia sua, clamat etiam liberam chaceam in tali foresta & essendi forestarium de feodo, & sic de omnibus aliis.

#### NOTA.

Nota que Justices erranz unt power de prendre assises arames devant Justicez assignez en mesme le counte, tut ne eient il patentz, si les Justices devant les quels les assises furent arames seien en vies & hoc per breve communis summonicionis qe dit 'venire facere coram eisdem justiciariis nostris assisas que posite sunt ad primam assisam & etiam omnes assise que fuerint attaminate & non finite vel que fuerint summonite coram justiciariis nostris apud Westmonasterium vel justiciariis qui ultimo itineraverunt, ut patuit, &c.'

#### NOTA.

Nota qe ceux qi sount atainz en trailbastoneri par tels enquestes & soient raintz & les partiez unt racovri vers eaux lour demande ou devant le roy ou devant justices a oier & terminer &c, apres en eyr il pout estre endites de mesme le feat en forme de felonie ou de roberie ou de burglary, & seront rainz a la sute le roy.



hundreds, and to charge them upon their oath ; and to make their presentments as to private matters on the Monday next following, which was the eighth day of the Eyre.

#### NOTE OF CLAIM.

Richard of Hartlepool claims to have return of writs, and the fines and amercements of all his men pleading in any of the King's Courts whatsoever. Likewise he claims to have free warren in all his lands of demesne ; also that no tenants of his shall plead or be impleaded in any court save his own. He claims, too, the right of free chace in such and such forests and he claims the freehold office of forester, and so of all else.

#### NOTE.

Note that Justices in Eyre may take assizes entered for hearing before Justices commissioned for that purpose in the same county, even though their commission contains no specific authority to do so, provided the Justices before whom the assizes were originally entered for hearing be still alive ; and this on the authority of the writ of *Common Summons*, which runs 'you shall cause to be brought before our said Justices assizes first set down for hearing as well as all assizes adjourned and not concluded, and all such as have been entered for hearing before our Justices at Westminster, or before our Justices who were last itinerant, as is plain etc.'

#### NOTE.

Note that those who have been attainted in trailbastonry and convicted after inquest, so that the complainants have recovered their damages against them, and those who have been so attainted before the King or before Justices commissioned to hear and determine, may afterwards be indicted in Eyre for felony or robbery or burglary upon the same facts, and they shall be convicted at the suit of the King.



## 1 V.

## PROCESSUS ITINERIS.

*Hic incipiunt Placita de Itinere Kancie, anno regni Regis Edwardi, filii Regis Edwardi, sexto.*

Le eye comensa encestre manere. Primes lez Justices lirrent lour commission, & puis comanderent al vicounte qil retornast son bref de la somons de leyre, & apres le bref receu & lu, dit lour fust qil rendisit sa verge, & il la rendit al chief justice, qi dit qe ceo fut alour volunte deseisier ly en sa bailie ou mettre altre en son lu, & puis ly permistrent & ly chargerent encestre forme. Ces oiet . . . &c. & puis rebaila sa verge.

Et puis chargerent le sutvicounte qi dust respondre pur son mestre a retourn de brefs, & unautr clerk qi repoundreit a la coroune per le dit serment. E puis comanda al vicounte qil fait liverer ala court lez nouns de tous lez vicountes qi ussent este puis le dreyn eyre, sil seient en vie, ou de lour heirs, & en mesme la manere de coroners ou de lour heirs, qe ensi fit. E puis comanda a lez vicountes qi furent en vie qil rendisent lour roubles, & pur ceus qi furent mortz qe lour heirs rendisent lour roubles en lour nouns. La vint un & mist avant protection par un qi avoit este vicounte, qil fut ov le roy dela la mere en son service. A la quele fut respondu qe protection nest pas aloable en comun somons de eyre, per qi demande fut al vicount qil seisist tote ces terres en mesme le conte & mest hors feme & enfaunz & de mesme temps respondesist des issues & qil prist son corps de mener le devaunt euz lendemein. E peus comande fut al coroners qil rendisent lour roubles, & ceus qi ifurent rendisent, & ceus qi furent mors aveient heirs qi aveient lez roubles en gard lez rendirent. E ceus qi aveient heirs & aveient pas lez roubles, mes testierent qe executors lez aveient & nomerent lour nouns qi menerent, saunz altre proees lez demanderent, & quaunt il ne vindrent pas comande fut al vicounte qil seisist *ut prius*. E ceus qi vindrent & aveient pas lez roubles prest en court, furent comande a la prisone & qe lour tene-mentz furent seisis *ut prius*, & comanda a vicounte qil ne fussent lesses a meinprise. E lez heirs qi vindrent & ne poient dire enqi

<sup>1</sup> Text from *η*. This is a concise and apparently independent account. Identically the same account is given by *δ*. Formal parts have again been omitted.





## V.

## PROCEDURE OF THE EYRE.

*Here begin the Pleas of the Eyre of Kent in the sixth year of the reign of King Edward, the son of King Edward.*

The Eyre commenced in this manner. First the Justices read their commission, and then they ordered the Sheriff to deliver his writ of summons of the Eyre ; and when they had received and read this writ, they bade him surrender his wand ; and when the Chief Justice returned it to him he told him that it lay in the discretion of the Justices to remove him from his office and to appoint another in his room. Then they confirmed him in his office and he was sworn in this wise : ‘ Hearken ye . . . etc.,’ and then they restored to him his wand.

Then they charged by oath the undersheriff who was to act as his master’s deputy in the return of writs, and likewise another clerk who would be responsible to the Crown, by the same oath. Then they charged the Sheriff that he should make return to the Court of the names of all such as had been sheriffs since the last Eyre, being still alive, otherwise of their heirs ; and likewise of all who had been coroners, or their heirs ; and this he did. Then the Justices charged such of those who had formerly been sheriffs as were still alive to deliver up their rolls, and the heirs of such as were dead were charged to deliver up the rolls of these in the names of the deceased. Then came one who produced a protection for one who had been Sheriff, saying that he was with the King beyond sea and in the King’s service. But to this it was replied that a protection is not allowable in answer to the common summons of Eyre, and so the sheriff was bidden to seize all his lands within the county, to oust his wife and children, to be responsible for the mesne profits, and to attach his person and bring him before the Court on the morrow. Then were the coroners bidden to deliver up their rolls ; and such as were present did so ; and the rolls of such as had died, leaving heirs in possession of their rolls, were given up by such heirs. And there were certain heirs who had not possession of such rolls, and these alleged that the rolls were in possession of executors, to whose names they testified ; and these executors were without further ado called upon to appear, and of such as came not was the Sheriff bidden to seize the lands etc., as above. And such as came and had not the rolls ready with them in Court were committed to prison, and order was made that their lands should be seized etc., as above, and the Sheriff was instructed that they were not to be let out on bail. And certain heirs who came, and could not say



meins lez roules demoerent furent a la prisone, & seisir *ut prius*. E ceus qi diseient qe lez roules furent en la gard lez executors, fut dit a eus qil fussent la lendemein, qar la court ne lez voleit pas descharger per lour testiaunce. En mesme la manere fut de gard enfaunt denz age, qi dit qe lenfant naveit pas lez roules enz aveient lez executors, per qi il furent demandes & qaunt il ne vindrent pas comande fut de seisir lour terres & prendre lour cors &c. E le vicounte returna de un coroner qil fut mort & ne aveit point heir ne heritage ne terres, forsqe a droit sa feme, & pur ceo qe les gent de counte elurent un tel qi ren aveit de qei il pout respondre, la quele eleccioun fut a lour peril demene, per qi il furent a jugement &c. & charge de respondre de ces fetz & de ces roules. Les roules de vicountes & de coroners liveres & survewes furent mis en bages solom ceo qe enz furent portes & enseles de seal la chief justice & liverent a cous qi lez porterent, & comanderent qil ussent lour bages la devant eus de jour en jour durant le eyre. Puis vindrent eux qi vodreient clamer fraunchises a la barre per lour seriaunz en ceste manere, qi dist: Veiez ci, sire, qi volent clamer fraunchises, & mist avant bille & fast entre en roule. E puis comanda la chief justice crier qe touz iceus qi furent ateinz en le dreyne eyre, ou devant sire Roger Brabazon & ces compaignouns en trailebastoure, voidassent la vile meintenant issi qil ne approchassent per xii lues durant le eyre sauve qe nul eit a pleder ou soit enplede veigne a son jour et se profre & meintenant sera deliveres, qil pusse mesme le jour returner. E ausi fit crier qe nule feire ne marche fut tenuz en mesme le conte de nule marchandie fere qe a Cantuarbirs durant le eyre a peril qe apent. E ausi fit crier qe nule court fut tenuz ne play plede en tot le conte forqe bref de droit patent & apels en contes. E ausi fit crier qe nul de Caunterbirs prist pur estallage de nul qi la fut venu pur leyre.

SEQUITUR DIES LUNE. a qel jour furent ij chivalers eluz & ij seriauns eluz per le vicounte & charge de justices per serment qil alassent per tote la cite & assaiassent les [vyns] bonz & les porris,



in whose hands their rolls were, were committed to prison, and order was made that their lands should be seized etc. as above. And those who had declared that their rolls were in the hands of executors were bidden to give their attendance on the morrow, for the Court could not allow them to be discharged on their own simple word. So also was it done in the case of the guardian of an infant heir within age, who said that the rolls were not in the possession of the infant heir, but in the possession of the executors; and when such executors, being called, came not, order was made that their land should be seized and their bodies arrested etc. And touching a certain coroner the Sheriff made return that he was dead and had left no heir nor heritage nor lands, save in right of his wife; and because the people of the county had chosen such an one to be coroner as had nought out of which he could be answerable, such choice had been made at their own peril, and so they were under judgment, and answerable for the acts and rolls of their coroner. After the rolls of the Sheriffs and the Coroners had been rendered up and inspected they were placed in bags accordingly as they had been brought, and the bags were sealed with the seal of the Chief Justice and delivered to those who had brought them, who were commanded to have their bags in readiness from day to day during the continuance of the Eyre. Then came to the bar by their serjeants those who wished to claim franchises and the serjeant said, 'See here, Sir, one who wishes to make claim to a franchise,' and he put in a bill, which was entered on the roll. Then the CHIEF JUSTICE caused proclamation to be made that all such as had been attainted in the last Eyre, or before Sir Roger Brabazon and his Associates, Justices in Traillbaston, should withdraw themselves from the city, and not venture to come within twelve leagues of it during the continuance of the Eyre, save that, if any such had to plead or was impleaded, he might come on the day assigned to him and proffer himself; then straightway should he be delivered, so that he might come and return on the same day. Also was proclamation made that no fair or market for the sale of any wares should be held within that same county during the continuance of the Eyre, save in the city of Canterbury only, at peril of the penalty attaching. And further it was proclaimed that no Court should be held nor any plea be pleaded throughout the whole county, save writ of right patent and appeals in the county court. And yet was further proclamation made that none in Canterbury should take payment for the lodging of any who came there by reason of the Eyre.

COMETH MONDAY. Upon which day were two knights and two serjeants chosen by the sheriff and charged by the Justices upon oath to make peregrination through the whole of the city and try the wines



& ceus q̄i furent alques qe bons q̄il lez feissent saker hors en la rue & le tonal debruser, & de vyn convenable, payn, service, & carcois, & de tous comune viaundes come de beefs, motouns, owes & purcels, &c, & alque manere de viaunde a la vile venans, meissent a certain pris issint qe les marchands ne fussent perdans ne le poeple outre la value grave, & lendemein lez certifiassent. E puis demanda lez nouns de tous lez chiefs bailifs de counte denz fraunchise & dehors, queus nouns ly furent liveres per le vicounte & checun per ly sermente en ceste manere. Ceo oiet . . . &c.

Et puis vindrent plusors & chalengerent lour fraunchises mesme le jour, & fut demande ou il furent le primer jour. Il diseient qe le temps suffieit pas a tous de mettre lour cleime, & pur ceo fut dit de part la Justice qe il recevereient lour cleimes sauve ledroit le Roy, & a jugement pur ceo q̄il vindrent le seconde jour. Et acuns de mettre lour cleime vindrent en propre persone & acuns par atorne par bref de la chauncelerie. Le counte de Launceastre ressu par atorne devant Sire Henry Spigurnel un de la place en altre conte quant le preimer jour.

SEQUITUR DIES MARTIS a qel jour comande fut qe tous les bailifs feissent venir a la barre lez ii prodes hommes q̄il aveient eslu. Un q̄i fut elu ne vint pas, par qel comande fut al vicounte q̄il seisisseit *ut supra*. E lez ij de checun hundred q̄i vindrent firent feseient (*sic*) tel serment. <sup>1</sup> Ceo oiet . . . &c, *ut supra*.

*Breve de communi summonitione Itineris.*

Rex vicecomiti Kancie saluten . . . Teste &c.

E quant les ij aveient elu xvj de euz & de altres, le Justices & le vicounte feseient crier une xij de xvi. & la xij chargerent en ceste manere.<sup>2</sup> Ceo oiet . . . &c.

E qant totes le xij de conte furent charges, il furent fet venir a la barre & les articles de leyre en pleine court lues. E puis les articles liveres a lez doreines severalment en escrit, dit fut a ceus q̄il rendissent lour privetes le terce jour apres & q̄il respondissent a tous les articles le sime jour apres sur peine de emprisonement. E pais fut une crie

<sup>1</sup> *In margin* serment de ii eluz.

<sup>2</sup> *In margin* sacramentum xij juratorum.





whether they were sound or musty ; and all the casks containing wine that was aught but sound were they to have carried into the street and there staved in ; and sound wine, bread, beer, and meat by the carcass, and all common flesh-meats such as beeves, sheep, geese, and pigs, &c., and all other manner of food coming into the city, were they to rate at a fixed price, and such as should neither hurt the traders nor oppress the people ; and on the morrow should they make certified presentment of this. And then were demanded the names of all the chief bailiffs within the county, as well those within franchises as without ; and their names were returned by the sheriff, and each one of them was severally sworn after this wise : ‘ Harken ye . . . &c.’

Then came certain ones and claimed their franchises on that second day, and they were asked where they were on the day before. And they answered that time had not sufficed for all to make their claims, and so the Court consented to receive their claims, saving always the King’s right ; but they themselves, seeing that they came only on the second day, must await judgment. And some of those who claimed came themselves, and others appeared by attorney, so authorized by writ issuing out of the Chancery. And the Earl of Lancaster was permitted to appear by attorney before Sir Henry Spigurnel, one of the Justices in Bank, in another county otherwise than on the first day.

COMETH TUESDAY. On which day was charge given to all the bailiffs to bring to the two bar the good men and true whom they had chosen. And one of those who had been chosen came not, wherefore charge was given to the Sheriff to seize his lands &c., as above. And the two out of each hundred appeared and made oath after this wise : ‘ Harken ye to this . . . &c.,’ as above.

#### *Writ of Common Summons of Eyre.*

‘ The King to the Sheriff of Kent, greeting . . . Witness &c.’

And when the two had chosen sixteen from themselves and others, the Justices and the Sheriff called out the names of twelve of the sixteen ; and these twelve were sworn in this wise : ‘ Harken ye to this . . . &c.’

And when all the dozens of the county had been sworn, they were brought to the bar, and the Articles of the Eyre were read in full court. And then were the Articles delivered in writing to each several dozen, and they were charged to make return of their private matters on the third day afterwards, and to make all their other presentments on the sixth day afterwards, under pain of imprisonment. And then was



fete qe tous lez chivalers & lez seneschauz de grantz seignurs de conte qil venissent a la barre, qi vindrent, & dit lour fut qil respondissent a iij choses: sil dussent presenter Englescherie, & qil respondissent com bien fussent mis en exigende en le finement de dreyn Eyre qi furent utlaes apres, & com bien se rendirent a la pes & coment il furent deliveres; & a primer article fut dit qil respondissent meitenant, qi diseient qil furent Gavelkyndeys & tindrent par auciennes usages de Kent, lez queus il userent devant les temps William le Conqueror, & avant son temps il presenterent pas Englescherie, par quei il ne deverent ore ne soleient. E pur ceo qe lez Justices troverent par record de dreyn eyre qil presentent Englescherie tout soulement de felonie, sauer de ij de part le pere & ij part la mere, tot le conto fut amercie, & dez altres ij articles aveient respit a respondre.

# VI.

## [PLACITA CORONE.]

Quant les xij<sup>2</sup> unt rendu lor verdict deuant le chief Justice darticles qe les sount liueres et dautres priuetez, cum denditementz, donques asserent<sup>3</sup> les Justices le pleez de la corone, et un<sup>1</sup> Justice serra assigne pour oyer et terminer les <sup>3</sup>pleintes qi suiz sount par bille cum<sup>7</sup> de dette e de<sup>5</sup> trespas, sauve felonye, et donques serront les roules <sup>9</sup>des vereditz<sup>2</sup> liueretz au chief Justice<sup>10</sup> de la corone; e doqnes vendront les xij et aueront lor verditz de articles et des autres enditementz de priuetes,<sup>11</sup> felonies homicides et roberies, et de touz autres felonies pus le dreyn Eyre; <sup>12</sup>e les clerks<sup>12</sup> liuerount lor roules,<sup>13</sup> e si le justice troue variaunce entre roudle de coroner et la xij. <sup>14</sup>par quei la xij presente meyns qil ne troue en roule de coroner, la xij<sup>15</sup> serra ainge, saver amercie, ou meyndre chateux de felouns atteynz ou futifs,<sup>16</sup> <sup>17</sup>ou qil presente meyns qe ne furent a une felonie, qe ne sount trouez enditez en roule de Coroner, *et hoc pro conclamento*.<sup>18</sup> E fait a sauer qe ceuls qi sount enditez, ou de trespas ou de felonie, le viscounte auera meyntenant<sup>19</sup> preceptes de lees prendre et auer

<sup>1</sup> This deals with crown procedure, and has no connection with any of the foregoing accounts, except the section in *5* which is similarly headed. This account of procedure is given by *γγ*, *κ*, *ν*. None of these gives the heading, which is merely borrowed from *5*. The text is from *γγ* collated with *κ*, *ν*. <sup>2</sup> *duxynes*, *κ*. <sup>3</sup> *assierunt*, *κ*. <sup>4</sup> *κ*, *ν* *add* *altre*. <sup>5-6</sup> from *ν*, *plees pleyntifs* qi suetz seynz. *γγ*: *poynz* qe sount swyz. *κ*. <sup>7</sup> *κ*, *ν* *omit*. <sup>8</sup> e de diverses, *κ*. <sup>9-9</sup> from *κ*, *ν*; *γγ* *omits*. <sup>10-10</sup> a chief, *ν*. <sup>11</sup> *κ* *adds* e de. <sup>12</sup> e les clerks from *κ*; *els*, *γγ*. <sup>13</sup> enroullemenz, *κ*, *ν*. <sup>14-15</sup> *ν* *omits*. <sup>16</sup> de futifs ou de felones atteynz, *κ*. <sup>17-18</sup> *ν* *omits*. <sup>19</sup> *tauntost*, *κ*, *ν*.



proclamation made that all the knights and the stewards of the great lords of the county should come to the bar, and so they came. Then were they bidden to make answer as to these three matters, which were whether Englishry ought to be presented; how many had been placed in exigent at the close of the last Eyre who were afterwards outlawed; and how many surrendered themselves to the peace, and how many of these were acquitted. And to the first question they made answer straightway and said that they were Gavelkindeys and held by the ancient customs of Kent which they had enjoyed before the time of William the Conqueror; and as before his time they had not presented Englishry, so they were not accustomed to present it. But because the Justices found from the record of the last Eyre that Englishry had been presented in the case of felony only, to wit, by two on the father's side and by two on the mother's side, the whole county was put in mercy. And as to the other two matters, further time was allowed them in which to make answer.

## VI.

## PLEAS OF THE CROWN.

When the dozens have made their presentments to the Chief Justice by way of answer to the Articles delivered to them and concerning the private matters, and also concerning the indictments, then shall the Justices take the pleas of the Crown; and a Justice shall be assigned to hear and determine the complaints which have been brought by bill, such as debt and trespass, where no felony is involved; and then shall the rolls containing the verdicts be delivered to the Chief Justice of the Crown; and then the dozens shall come and put in their replies to the articles and also to the indictments, privities, felonies, homicides and robberies, and of all other felonies committed since the last Eyre; and the clerks shall hand up the rolls, and if the Justices find any variance between the rolls of the coroners and the rolls of the dozens, or find that the dozens omit matters presented by the coroners, then shall the dozen in fault be under judgment, that is to say, amerced; and if any dozen shall assess the chattels of a felon, convicted or fugitive at a less value than they are assessed at in the Coroner's roll, or shall present fewer persons as being concerned in any particular felony than are found to be charged therewith in the Coroner's roll, they shall be similarly dealt with, and this for concealment. And you are to note that the Sheriff shall straightway have warrants to arrest such as are indicted of trespass or felony, and to bring them before the Justices



les deuant les Justices sil pussent estre trouez, si [noun] un capias isira sur euls et pus un exigende, et serront utlages sil ne veyguent pur process, <sup>1</sup>et sil veyguent<sup>1</sup> il serront arenez et purront doner tiel response qil voillent<sup>2</sup> qe soit pur euz, ou dire qil sount de rien copables et si meister en enqueste.

*Nota. Formu inquisicionis de murther, et qui male creditur.*

Et<sup>3</sup> par la ou il presente mort de homme serra enquys de ceuls qi fesoient le fait, et par procurement de qi,<sup>4</sup> e eus qils<sup>5</sup> furent presentz, et <sup>6</sup>quantz, et si touz<sup>7</sup> ceuz qi furent presentes seient copable de mesme la mort. Et si la xij. dit qe <sup>8</sup>*male creduntur*, il serront arenez de principal fait et si mesteront de bien et de mal. Et si la xij die *quod non male creduntur, hoc est non suspecti*, donques serra enquys outre de<sup>9</sup> la xij sil leuerent poynt la mene, sy noun, donqe serront il comaunde a la prisone et front fyn, pur ceo qil [ne] fesoient par la sute daretter<sup>11</sup> les felouns le Roy; et sil alleggent qil furent a cele fethe<sup>12</sup> denz age, serra enquys de la xij sil furent de denz age<sup>13</sup> ou noun, et sil furent de yns age<sup>14</sup> lamerciement serra pardone, pur <sup>15</sup>ce qil furent<sup>16</sup> mesconisanz de la pees *ut patuit in casibus precedentibus*.<sup>15</sup> Ensement serra enquys de touz les chateux et tenements de ceuls qi sount atteynz de felonie,<sup>16</sup> e en qi mayns la chose est deuenuz, <sup>17</sup>ce qi la terre tent.<sup>17</sup> E auxint de chateux de futifs et de <sup>18</sup>chescun parcele, soit ceo beste ou autre chose, soynt enquys.<sup>18</sup>

*de anno dñe et wasto.*

E pur ceo qe troue fut par la xij qe un feloun auoyt teres et tenementz de les ques le Roy auera lan<sup>20</sup> et le wast, et le chief seynour fut entree, fut demande sil fut entree par due proces, et sil suit bref al eschekere apres lan et le Wast; dit fut qe noun, demande fut <sup>21</sup>de la xij<sup>21</sup> cum bien de temps de les tenementz ussent este en sa mayn pus lan, etc. et la xij dit le temps; demande fut <sup>23</sup>qei la terre purra valer,<sup>23</sup> et estendu fut par la xij.

<sup>1-3</sup> e quant il vendront, κ. <sup>4</sup> veyunt, κ; verrunt, v. <sup>5</sup> Nota, v. <sup>6</sup> nul home, κ. <sup>7-9</sup> e queux, κ, v. <sup>10-12</sup> quex de, v. <sup>13-15</sup> κ omits. <sup>16</sup> par, κ. <sup>17</sup> a rester, κ. <sup>18</sup> tens, κ. <sup>19-21</sup> from κ, omitting et; from v, omitting ou noun. <sup>22-24</sup> la, κ. <sup>25-27</sup> &c, v. In both γγ and κ several crown cases of the eyre precede this account of procedure. <sup>28</sup> κ adds ou de fraunkce. <sup>29-31</sup> from v: also from κ, omitting terre. <sup>32-34</sup> touz autres choses, κ. <sup>35</sup> γ adds et le jour. <sup>36-38</sup> κ omits; de la xx, v. <sup>39-41</sup> κ omits. <sup>42-44</sup> qey la terre valeyt par an, κ.





if they can be found ; and if they cannot be found, then shall a *capias* issue against them, and after that an exigent ; and if they appear not by means of this process then shall they be outlawed ; but if they appear then shall they be arraigned, and they may make whatever statement seems best to them, or they may simply say that they are not guilty, and put themselves on the jury.

*Note. Form of inquisition of murder ; also touching those who are suspected.*

When presentment is made of a man's death, inquest shall be held as to who actually caused it, and by the procurement of whom ; and as to who, and how many, were present at the time, and as to whether all those who were present were guilty of the said death. And if the twelve say that they are suspected, they shall be arraigned as principals, and shall put themselves on a jury for good or evil. But if the twelve say that they are not suspected, then shall enquiry be made by the twelve as to whether they raised the hue and cry ; and, if it be found that they did not, then shall they be committed to prison and shall make fine, because they failed to bring about by their pursuit the arrest of felons against the King's peace : and if these allege that they were within age at the time, enquiry shall be made by the twelve as to whether they really were so within age or not ; and if it be found that they were within age the amercement shall be pardoned, on the ground that they were not cognizant of the peace, as appears in the preceding cases. So also shall enquiry be made as to all lands and chattels of such as be attainted of felony, and into whose hands the chattels have passed, and who holds the land. And also touching the chattels of fugitives and of every parcel of them, be it beast or aught else, let enquiry be made.

*Of the year and the day and of waste.*

Because it was found by a jury that a felon held lands and tenements in respect of which the King was entitled to the year and waste, and that the chief lord had entered, enquiry was claimed as to whether he had entered after due process, and if he had sued a writ out of the Exchequer after the expiration of the year and waste ; and it being found that he had not done so, the jury were asked to find how long after the expiration of the year etc. the tenements had been in his hands, and the jury found for how long. Then were the jury asked what the value of the land was, and they found its value.



*Judicium de Anno die vasto.*

E pur ceo qe le Seygnour <sup>1</sup> fut entre santz<sup>1</sup> due proces, fut agarde qe la tere fut pris en la mayn le Roy, <sup>2</sup>et qe le seynour respondit des profitz de tut le temps auant au roy.<sup>3</sup>

*Custuma Kancie de Infortunio.*

E fait a sauer qe l'usage de Kente est, qe par la ou il y ad une aventure com de mort de homme, le trovour<sup>4</sup> auera quarte plegges q'i sont apeles <sup>5</sup>*Borghes of the aventure*,<sup>5</sup> et serrount auxi cum mayn-pernours devant le coroner <sup>6</sup>pur le trovour,<sup>6</sup> et donques vendra le trovour, sil seyt en vie, oue les iiij plegges sur le presentment de xij, et countra l'aventure et coment il vynt sur l'aventure, et les iiij plegges <sup>7</sup>isserount, et serra demande de la xij sil fut issint ou noun et<sup>8</sup> si le trouour *male creditur*.<sup>10</sup> Si la xij die *quod non male creditur* il irra quites. E si la xij die *quod male creditur*, donques serra il arene a la sute le Roy, et se mettra de bien et de mal sil soyt present; sil ne venge pas, luy et ces iiij plegges en la merey. E si *male creditur*, comaunde serra al vicounte de luy prendre. Et fait a sauer qe si le tue auoyt dreyture de seynt eglise, la nest pas mester de estre<sup>11</sup> trouour <sup>12</sup>del aventure; e la ou il nad pas ses dreytures de seynt eglise, la covient il aver trovor.<sup>13</sup>

## PLACITA CORONE.

<sup>13</sup> PLACITA CORONE DE ITINERE KANCIE CORAM HENRICO SPIGURNEL, WILLELMO DE ORMESBI & JOHANNE DE MUTFORD.

<sup>14</sup> Jurati presentant quod Prior de Ledes jam elapsis vj.<sup>15</sup> annis muro inclusit quamdam placeam continentem <sup>16</sup>in sel<sup>16</sup> dimidiam rodam terre in villa de Wodnesbergh<sup>17</sup> que solebat esse communis pastura tenentium de Wednesbergh & valet per annum <sup>18</sup>liij. d.<sup>15</sup> nesciunt quo waranto & ideo preceptum est vicecomiti quod venire faciat priorem predictum &c.

<sup>1-1</sup> ne fut pas entre par, κ; fut entre saunz due manere et saunz, v. <sup>2-3</sup> κ omits.

<sup>4</sup> trovour, κ, v; coroner, γγ. <sup>5-5</sup> borwes of ye aventure, κ. <sup>6-6</sup> from v; γγ omits. <sup>7-8</sup> serunt demandez, κ; dirrount, v. <sup>9</sup> κ, κ add de la xii; v adds la xii dirra. <sup>10</sup> v adds vel non &c.; the remainder of the text is omitted by v.

<sup>11</sup> aver, κ. <sup>12-12</sup> from κ; γγ omits. <sup>13</sup> Heading from γ. E. R. has: Placita Corone de Comitatu Kancie coram Henrico de Stanton Willelmo de Ormesby Henrico Spigurnel Johanne de Mutford et Willelmo de Goldingfone

Justiciariis domini Regis Itinerantibus apud Cantuariam in Octavis Nativitatis Sancti Johannis Baptiste anno regni regis Edwardi filii regis Edwardi sexto.

<sup>14</sup> A presentation concerning lands held in mortmain. Reported by aa, β, γ, δ. Text from γ collated with the others. Proper names from E. R. <sup>15</sup> Septem, aa.

<sup>16-16</sup> from aa, β, δ; γ omits. <sup>17</sup> R., γ. <sup>18-18</sup> tantum liij d., aa, β.



*Judgment of year and day and waste.*

And because the lord had entered without due process it was awarded that the land be taken into the King's hand, and that the lord should answer for the mesne profits to the King.

*The Custom of Kent as to misadventure.*

And you must note that the custom of Kent is that when there cometh about some misadventure, such as is the death of a man, the finder shall have four pledges, who are called *Borghes of the adventure*, who shall be bound over by the coroner as mainpernours of the finder. And afterwards shall the finder, if he be yet alive, come before the Justices with his four pledges, on the presentment of the jury, and he shall say what he knows about the misadventure, and how he came upon it, and the four pledges shall come likewise ; and it shall be put to the jury whether so it happened or no, and if the finder be suspected. And if the jury say that they do not suspect him, then shall the finder go free. But if the jury say that they do suspect him, then shall he be arraigned at the suit of the King, and he shall put himself, if he be present, upon a jury for good or evil. If he come not, then he and his four pledges are in mercy. And if the jury say that they suspect him, charge will be given to the Sheriff to arrest him. And you are to note that if he that was slain had received the rites of Holy Church there needeth not a finder of the misadventure ; but if he had not received the rites of Holy Church then it is needful that there be a finder.

## PLEAS OF THE CROWN.

## I.

PLEAS OF THE CROWN HOLDEN DURING THE EYRE OF KENT BEFORE  
HENRY SPIGURNEL, WILLIAM DE ORMESBY AND JOHN DE MUTFORD.

The Jurors present that the Prior of Leeds, now six years ago, enclosed with a wall a certain piece of land in the town of Woodnesborough containing one half rood of ground, such piece of land having been wont to be used by the tenants of Woodnesborough as their common of pasture, and being of the yearly value of threepence. By what authority it was so enclosed they know not ; and so charge is given to the Sheriff that he bring up the said Prior etc.



Postea venit prior per attornatum suum & dicit quod predicta placea est solum ipsius prioris & ecclesie sue de Lodes & a tempore cujus<sup>1</sup> non extat memoria fuit predecessorum predicti prioris & ecclesie sue predictae & quod <sup>2</sup>ipse eam<sup>3</sup> inclusit sicut ei bene lieuit & petit quod inquiretur per patriam.

Juratores dicunt super<sup>4</sup> sacramentum suum quod <sup>5</sup>predicta terra inclusa<sup>6</sup> non est nec unquam fuit solum ipsius prioris nec suorum predecessorum <sup>7</sup>omnino est<sup>8</sup> solum quorundam <sup>9</sup>Johannis Malemeys et Johannis de Sheluyng<sup>10</sup> & dicunt quod nec predicti J. nec J. includere possent dictam terram absque injuriam faciendam hominibus de Wednesbergh.<sup>11</sup>

<sup>12</sup>Walterus vicarius de Tylmanston<sup>13</sup> et Thomas <sup>14</sup>clericus ejus<sup>15</sup> et Robertus de Raundes in Borgha <sup>16</sup>de Tylmanston<sup>17</sup> mota contencione inter eos predictus R. voluit predictum vicarium occidisse & hoc videns Thomas clericus ejus extraxit cultellum & percussit predictum R. in dorso unde viij. die post obiit. Postmodum compertum est per rotulos<sup>18</sup> coronatoris quod Alienora<sup>19</sup> que fuit uxor predicti R. qui obiit appellavit in comitatu predictum Walterum vicarium & Thomam clericum ejus de morte predicti R. viri sui & sequebatur appellum suum usque ad quartum comitatum ad quem predictum appellum motum<sup>20</sup> fuit per breve domini regis coram ipso domino rege. Predictus Thomas tanquam clericus liberatus fuit episcopo & obiit in priona & quia nescitur de deliberacione<sup>21</sup> predicti W. qui manens est in patria preceptum est vicecomiti quod capiat eum.

<sup>22</sup>Quidam homo ignotus inventus fuit mortuus in quodam loco vocato Hamme<sup>23</sup> in Borgha de Riparia nescitur quis eum occidit primus inventor & quatuor vicini venerunt &c. nulla Englescheria presentata. Judicium<sup>24</sup> nardrum super hundredum. Postea compertum est per rotulos<sup>25</sup> coronatoris<sup>26</sup> quod J. Scot & Dionisia uxor ejus debuerunt occidisse predictum hominem quem asserabant notari<sup>27</sup> W. le Northerne dictum Scot <sup>28</sup>pro qua quidam morte<sup>29</sup> dicti Johannes Scot & Dionisia capti fuerunt & coram justiciariis ad gaolas deliberandas acquietati<sup>30</sup>

<sup>1</sup> quo, aa. <sup>2</sup> ipsam, aa. 3. <sup>3</sup> per, aa. 3. <sup>4</sup> terra predicta que sic includitur, aa. 3: placea que sic includitur, 3. <sup>5</sup> set est, aa. 3: sed, 8. <sup>6</sup> J. de S. et R. de M., 7: R. de S. et J. de M., 5. <sup>7</sup> The report in E. R. ends: — 'Idem predictus Prior in misericordia.' <sup>8</sup> Reported by aa. 3, 7. Text from 7 collated with the others. <sup>9</sup> Proper names from E. R. <sup>10</sup> T., aa. 3: S., 7. <sup>11</sup> &c., aa. 3 omits. <sup>12</sup> de T., aa. 3: 7, 8, aa. 11. <sup>13</sup> recognitionem, aa. 3. <sup>14</sup> Lienara, 3. <sup>15</sup> amotum, 3, E. R. <sup>16</sup> liberationem, aa. 3. <sup>17</sup> Reported by aa. 3, 7. Text from 7 collated with others. <sup>18</sup> Proper names from E. R. <sup>19</sup> Harewe, aa. 3: Hamme, 3: Hamme, 7. <sup>20</sup> inde, aa. <sup>21</sup> recognitionem, aa. 3. <sup>22</sup> 3 omits. <sup>23</sup> vocati, aa. 3. <sup>24</sup> per quam quidem mortem, aa. 3. <sup>25</sup> deliberati, aa. 3.





Upon a later day comes the Prior by his attorney, and says that the said plot of land is the soil of him the Prior and of his church of Leeds, and, since a time to the contrary of which the memory of man runneth not, it has ever been the soil of the predecessors of him the said Prior and of their said Church; and he further says that he did so enclose it, as he was well entitled to do; and he prays that an inquiry may be made by the country.

The Jurors upon their oath find that the said plot of land so enclosed is not nor ever was the soil of the said Prior nor of his predecessors; but that on the contrary it is the soil of a certain John Malemeys and a certain John de Sheluyng; and they say further that neither the said J. nor the said J. can enclose the said land without wrong done to the men of Woodnesborough.

Walter, vicar of Tilmanstone, and Thomas, his clerk, and Robert of Raundes having quarrelled amongst themselves in the town of Tilmanstone, the aforesaid R. attempted to kill the aforesaid vicar. Thomas, the vicar's clerk, seeing this, pulled out his knife and stabbed the aforesaid R. in the back, so that he died thereof on the eighth day afterwards. It was after found recorded in the Coroner's rolls that Alienora, that was the wife of the R. so slain, had appealed in the county court the aforesaid Walter, the vicar, and Thomas, his clerk, of the slaying of the said R., her husband, and had prosecuted her appeal up to the fourth court; and that thereupon the aforesaid appeal was moved by writ of our lord the King before our lord the King himself. The aforesaid Thomas was delivered to the bishop as a [convicted] clerk, and died in prison. Since nothing is known as to any deliverance of the aforesaid W., who is at large within the county, charge is given to the sheriff to arrest him.

A certain unknown man was found dead in a certain place called Ham in the borough of Ripple. It is not known who killed him. The first finder and the four neighbours came, and were not suspected. Englishry was not presented; and so judgment of murder against the hundred. It was found after in the coroner's rolls that J. Scot and Dionisia his wife had been strongly suspected of slaying the aforesaid man, who, these said, was known as W. the Northerner, his name being Scot; and for this man's death the said John Scot and Dionisia were arrested, and upon being tried before the Justices of



sunt. Postea juratores testantur quod idem Willelmus quem asserebant prius mortuum <sup>1</sup> fuit superstes & <sup>1</sup> manens in patria &c.

<sup>2</sup> Idem Jurati presentant quod Johannes Edelyn<sup>3</sup> captus fuit in hundredo de Kyngestonford ad sectam Willelmi Gibeun<sup>4</sup> pro xxiiij. bidentibus <sup>5</sup> in hundredo de Fulkeston anno regis nunc iiij<sup>6</sup> & post coram Willelmo le Hore<sup>6</sup> tunc ballivo Archiepiscopi Cantuariensis in hundredo de K.<sup>7</sup> suspensus fuit. <sup>8</sup> Catalla ejus<sup>9</sup> iij<sup>9</sup>, unde vicecomes respondet & <sup>10</sup> preceptum est vicecomiti quod venire faciat sectatores ejusdem hundredi<sup>11</sup> & venerunt & cognoverunt quod predictum latrocinium factum fuit in hundredo de Fulkeston<sup>12</sup> extra hundredum idem<sup>13</sup> & de predicto latrocinio processerunt ad ejus deliberacionem. Ideo ad iudicium de<sup>14</sup> eisdem sectatoribus.

### Note from Eyre Roll.

The matter ended by the suitors making fine for ten marks for themselves and William Le Hore. They were also to be answerable, together with William Le Hore, to the King for twenty-three shillings, the value of the sheep. The number of sheep stolen is given as 33 in the Roll.

<sup>15</sup> Rogerus de Marchynton<sup>16</sup> & Petrus Maynard de Wynchelsee contenderunt scilicet<sup>17</sup> in Burgo de Orlauston ita quod predictus R. percussit ipsum P. quodam arcu super capud & predictus P. voluit percussisse predictum R. & super hoc veniens quidam Reginaldus de Asshebourne & Hugo Adam armiger ipsius R. & idem R. precepit dicto Hugo quod sagitaret predictum P. quo precepto dictus Hugo <sup>18</sup>percussit P.<sup>19</sup> quadam sagitta barbata unde iij die post obiit & predicti R. & H. statim fugierunt & juratores malecelebunt ipsos & ideo exigantur & utlagentur nulla habuerunt catalla nec fuerunt in Burgo<sup>20</sup> quia extranei <sup>21</sup> & R. nulla habuit catalla in comitatu isto<sup>22</sup> sed testatum est quod habuit catalla in comitatu Devonie <sup>23</sup> & Derby ideo mandatum est eidem vicecomiti quod capiat in manu domini regis omnes terras & catalla<sup>24</sup> tenementa & bona que fuerunt predicti R.<sup>25</sup> in balliva sua die

<sup>1-1</sup> fuisse est, aa, β. <sup>2</sup> Reported by aa, γ, γ, δ. Text from γ collated with others. Proper names from E. R. <sup>3-4</sup> Presentatum fuit per juratos quod quidam Johannes, δ. <sup>5</sup> de T., δ. <sup>6</sup> aa adds furatis. <sup>7</sup> J. le Beye, γ; Johanne de Boy, β; Johanne le Boier, aa. <sup>8</sup> i.e. Kinghamford; T., aa. <sup>9-11</sup> aa omits. <sup>12-13</sup> unde, β. <sup>14</sup> C., aa. <sup>15-16</sup> aa omits. <sup>17</sup> pro, aa. <sup>18</sup> Reported by aa, γ, γ, δ. Text from γ collated with the others. Proper names from E. R. <sup>19</sup> Rogerus de B., aa, γ; Rona de M., γ; Reginaldus de M., γ. The other initials vary considerably in the different MSS., but it has not been thought necessary to notice the variations in ordinary cases. <sup>20</sup> adinviceem, aa, β, δ. <sup>21-22</sup> sagittavit predictum P. et ipsius percussit, aa, β, δ. <sup>23</sup> bountho, aa. <sup>24-25</sup> aa omits. <sup>26-27</sup> aa omits. <sup>28</sup> et catalla after bona, aa, β.



Gaol Delivery were acquitted. Afterwards the Jurors declared that this same William whom they had previously asserted to be dead was actually alive and within the county.

The same Jurors present that John Edelyn was arrested in the hundred of Kinghamford at the suit of William Gibbon for that he, the said John, had, within the hundred of Folkestone, in the fourth year of the present King, stolen twenty-three sheep; and that afterwards before William Hore, then being the Archbishop of Canterbury's bailiff, within the hundred of K. was hanged. His chattels are worth three shillings, for which the sheriff is responsible. Charge is given to the Sheriff that he have the suitors of that same hundred before the Court. They come and admit that the aforesaid stealing was within the hundred of Folkestone and not within the hundred of Kinghamford, and that notwithstanding this they proceeded to try, and condemned the aforesaid John for the aforesaid stealing. So to judgment with these same suitors.

While Roger of Marshborough and Peter Maynard of Winchelsea were quarrelling within the borough of Orlestone, the aforesaid R. struck that same Peter upon the head with a certain bow, and the said P. attempted to strike the said R.; and upon this came up one Reginald of Ashbourne and Hugh Adam, his arms-bearer; and this R. ordered the said Hugh to shoot the said P. In obedience to which order, the said Hugh pierced P. with a certain barbed arrow, so that on the third day thereafter he, the said P., did die. And the aforesaid R. and H. did immediately flee; and the jurors suspect them etc.; so let them be exacted and outlawed. They had no chattels, neither was the borough responsible for them, seeing that they were strangers. But though R. had no chattels in the county of Kent, it was testified that he had chattels in the county of Devon and in the county of Derby; and so charge was given to the same sheriff that he should take into the King's hand all the lands, chattels, tenements and goods which the said R. possessed within his, the said sheriff's bailiwick on



Martis in septimania Pesehe anno regni E. patris regis nunc xxix. & ea extendi<sup>1</sup> & appreciari faciat & salvo custodiri quousque &c. & quod de vero valore terrarum & tenementorum bonorum & catallorum certificet justiciariis hic<sup>2</sup> & in crastino Sancti Martini<sup>3</sup> proximo futuro &c.

<sup>4</sup>Willelmus de <sup>5</sup>Bernefelde de Wodnesbergh<sup>6</sup> alias indietatus coram J. de Berewik & sociis suis Justiciariis<sup>7</sup> itinerantibus in comitatu isto<sup>8</sup> de conspiracione & manutencione parcum<sup>9</sup> in hundredo comitatu & aliis curiis & quod mutuis sacramentis assertus<sup>10</sup> fuit aliis conspiratoribus ad suppressionem veritatis injuste &c. inventus in magna aula hic contra formam proclamacionis<sup>11</sup> & inhibitionem<sup>12</sup> factam de conspiratoribus venit<sup>13</sup> & allocutus non potest deducere factum predictum &c. & ideo custodiatur & &c. Postmodum venit & fecit finem cum domino rege pro e. solidis. Plegii ejus H. & A. &c.

<sup>13</sup>Johannes Geffrey<sup>14</sup> & Johannes de Potone indietati de conspiracione & manutencione<sup>15</sup> falsarum querelarum &c. veniunt<sup>16</sup> & allocuti<sup>17</sup> singulatim qualiter se volunt<sup>18</sup> acquietare dicunt quod in nullo sunt<sup>19</sup> culpabiles & de hoc ponunt se super patriam &c. Jurati<sup>20</sup> dicunt super sacramentum suum quod predicti J. & J. sunt conspiratores & confederati<sup>21</sup> adinvicem & quod uterque<sup>22</sup> eorum manuteneant<sup>23</sup> illam partem quam alter<sup>24</sup> eorum manuteneret presumat<sup>25</sup> & quod predictus J. cepit de quodam Johanne de Stathebery .xv. marcas pro parte ipsius J. de S. manutenenda versus Willelmum de Creye in quodam placito & post divertebat se ad aliam<sup>26</sup> partem & stetit cum predicto W. contra predictum J.<sup>27</sup> & predictus J. de P. cepit de Willelmo de Sancto Michaeli x libras pro parte sua<sup>28</sup> manutenenda versus T. de Wokyndon ad procurandum quamdam assisam<sup>29</sup> qui transivit<sup>30</sup> contra<sup>31</sup> predictum W.<sup>32</sup> Ideo predicti J. & J. custodiantur &c.<sup>33</sup> Postea venerunt<sup>34</sup> & finem fecerunt<sup>35</sup> &c.

Preceptum fuit vicecomiti Sussexie quod caperet J.<sup>36</sup> de W. & W. de R. & eos salvo &c. ita quod haberet corpora eorum hic<sup>37</sup> coram justiciariis itinerantibus ad respondendum super sibi objiciendis.<sup>38</sup> Similiter quod

<sup>1</sup> intendi, aa. <sup>2</sup> aa omits. <sup>3</sup> Marci, 3. <sup>4</sup> Reported by aa, 3, 7, 8. Text from 7 collated with others, and compared with E. R. <sup>5</sup> B., aa, 3, 7; W., 8. <sup>6</sup> 8 omits. <sup>7</sup> alias, aa, 3. <sup>8</sup> 8 adds convictus. <sup>9</sup> astrietus, 3. <sup>10</sup> 11 in hujusmodi comitatu, 3. <sup>12</sup> aa, 3 omits. <sup>13</sup> Reported by aa, 3, 7, 8. Text from 7 collated with the others. Proper names from E. R. <sup>14</sup> Galfridus, 8. <sup>15</sup> manutencione, 3. <sup>16</sup> venit, aa. <sup>17</sup> allocutus, 3. <sup>18</sup> voluerit, 3. <sup>19</sup> fuerunt, 3. <sup>20</sup> Juratores presentant et, 3; 8 omits presentati. <sup>21</sup> confidentes, 3. <sup>22</sup> from aa, 3, 7, E. R. <sup>23</sup> 7 has quibus. <sup>24</sup> manu tenet, 3. <sup>25</sup> unus, 3, E. R. <sup>26</sup> presumpserit, 3. <sup>27</sup> alteram, 3. <sup>28</sup> S., 8. <sup>29</sup> ipsius W., 3. <sup>30</sup> que transit, 8. <sup>31</sup> ipsam Willelmum, 3. <sup>32</sup> in custodia &c., 3. <sup>33</sup> venit, 3. <sup>34</sup> fecit, 3. <sup>35</sup> Johannem, 3. <sup>36</sup> 3 omits. <sup>37</sup> objicienda, 3.





the Wednesday in Easter week in the twenty-ninth year of the reign of Edward the father of the King that now is ; and that he should have them valued and kept in safe custody etc., and shall make return here of the true value of such lands and tenements and goods and chattels to the Justices on the morrow of St. Martin next following etc.

William of Barnfield of Woodnesborough, having been previously indicted before J. de Berewik and his associates, Justices in Eyre in this county, for conspiracy and maintenance of false suits in hundred court and county court and other courts, and for having conspired with others, under the bond of mutual oaths, to suppress truth and justice etc., was found within the great hall of this city, against the form of the proclamation, and the prohibition therein contained, forbidding such to come as had been so indicted ; and when he was questioned thereupon, he could not deny that he had been so indicted, etc. Therefore let him be committed to prison etc. Afterwards he came and made fine with our lord the King for a hundred shillings. His pledges were H. and A. etc.

John Geffrey and John of Potten, indicted for conspiracy and the maintenance of false suits etc., come ; and, being severally asked after what manner they desire to acquit themselves, say that in no sort are they guilty ; and thereof put themselves upon the country etc. The jurors upon their oath say that the aforesaid J. and J. are conspirators and confederate together that each shall support the other in what action soever he may be maintaining ; and they further say that the aforesaid J. took from a certain John of Statenborough fifteen marks that he might support him in a certain plea against William of Cray ; and that afterwards he, the said J., went over to the other side, and supported the aforesaid W. against the aforesaid J. ; and they say further that the aforesaid J. of P. took from William of St. Michael ten pounds for supporting him against T. of Wokyndon in his suit for a certain assize which passed against the aforesaid W. Therefore let the aforesaid J. and J. be committed to prison etc. Afterwards they came and made fine etc.

Charge was given to the Sheriff of Sussex to arrest J. of W. and W. of R. and keep them in safe custody etc. so that he should have them here before the Justices in Eyre to answer certain matters to be alleged against them. And further he was directed to take into the



caperet in manu domini regis bona & catalla terras & tenementa<sup>1</sup> ipsorum J. & aliorum &c. & de vero valore &c constari faceret &c. & vicecomes modo mandat quod predicti &c non fuerunt inventi in balliva sua & de predictis J. & W. mandat quod cepit in manu<sup>2</sup> domini regis terras & tenementa predictorum<sup>1</sup> que extenduntur per annum ad valenciam &c<sup>3</sup> & modo predictus<sup>4</sup> J. & alii solempniter vocati.<sup>5</sup> Non veniunt ideo catalla predicta<sup>6</sup> confiscantur pro fuga. <sup>7</sup>Postmodum veniunt<sup>7</sup> predicti &c. & <sup>8</sup>reddunt se ad prisonam &<sup>9</sup> acquietati sunt & invenerunt securitatem pro catallis rehabendis <sup>9</sup>per plegios &c.<sup>9</sup>

<sup>10</sup> Jurati<sup>11</sup> presentant quod quidam Walterus Giffard miles<sup>12</sup> in hundredo de Hamme captus fuit & ductus ad villam de Cantuaria & ibidem per preceptum domini regis patris regis lunc distractus<sup>13</sup> fuit pro sedicione<sup>14</sup> quam fecerat<sup>15</sup> domino regi in partibus Vasconie qui quidem W. habuit catalla prout compertum <sup>16</sup>est in rotulo J. Coronatoris<sup>16</sup> viz. l.s. qui<sup>17</sup> fuerunt<sup>18</sup> in custodia ejusdem<sup>19</sup> W. quando captus fuit unde vicecomes respondet<sup>20</sup> & quod<sup>21</sup> xii istius hundredi concealaverunt predicta catalla. Ideo ad iudicium <sup>22</sup>de eis.<sup>22</sup>

<sup>23</sup> Jurati<sup>24</sup> presentant quod Thomas <sup>25</sup>de Chiert<sup>25</sup> nuper ballivus<sup>26</sup> manerii de E. <sup>27</sup>per potestatem ballive sue amerciavit J. de H. ad xx s.<sup>28</sup> sine taxacione parium suorum & quod<sup>29</sup> bis levavit amerciamentum predictum cum semel amerciatus fuit. Ideo preceptum est vicecomiti quod <sup>30</sup>venire faciet eum.<sup>31</sup> Et post<sup>32</sup> venit idem<sup>33</sup> & non potest<sup>32</sup> idem<sup>33</sup> dedicere.<sup>34</sup> Ideo custodiat<sup>35</sup> Tandem <sup>36</sup>finem fecit cum domino rege.<sup>37</sup>

<sup>38</sup> Item presentant quod Willelmus Jolys de Elham captus fuit in hundredo de Lonybergh ad sectam H. Bourdoun<sup>39</sup> pro v. ovibus furatis precii x s.<sup>40</sup> in hundredo de Newcherche<sup>41</sup> & in<sup>42</sup> hundredo isto<sup>43</sup> coram J. de Creek tunc<sup>44</sup> ballivo Juliane de Leyburne & Willelmo le

<sup>1-1</sup> aa omits. <sup>2</sup> manum, β. <sup>4</sup> β adds et bona et catalla ad valenciam &c.

<sup>4</sup> et alii, aa.

<sup>5</sup> β adds sunt.

<sup>7</sup> β omits.

<sup>7-7</sup> Postea venerunt, β.

<sup>8-8</sup> reddiderunt se prisona, aa; reddunt se prisona, β. <sup>9-9</sup> Plegii &c., β.

<sup>10</sup> Reported by aa, β, γ, δ. Text from γ collated with others, and compared with

E. R. <sup>11</sup> Juratores, aa, β. <sup>12</sup> δ omits. <sup>13</sup> from δ and E. R. custoditus,

aa; districtus, β; decapitatus, γ. <sup>14</sup> deducione, δ. <sup>15</sup> β adds dicto. <sup>16-16</sup> fuit per

rotulum Coronatoris, β. <sup>17</sup> que, aa. <sup>18</sup> aa and β add inventi. <sup>19</sup> β seems to read

cujusdem, but the word is not very legible. <sup>20</sup> respondeat, β. <sup>21</sup> quia, δ.

<sup>22-22</sup> pro eis, aa; de iis, β. <sup>23</sup> Reported by aa, β, γ, δ. Text from γ, collated

with the others. <sup>24</sup> Juratores, aa, β. <sup>25-25</sup> Chiert, aa; Chiret, β. <sup>26</sup> ballivus, β.

<sup>26-26</sup> de hundredo, δ. <sup>27</sup> xx solidos, aa. <sup>28</sup> β and δ add predictus T.

<sup>29-29</sup> faciat ipsum venire, aa. <sup>30</sup> postea, β. <sup>31</sup> potuit, aa. <sup>32</sup> aa, β, δ omitt.

<sup>34</sup> β and δ add quin bis levavit amerciamentum predictum. <sup>35</sup> aa adds &c.

<sup>36</sup> et postea, δ. <sup>37-37</sup> Postea venit et finem fecit cum domino Rege, β. <sup>38</sup> Reported

by aa, β, γ, δ. Text from γ collated with the others. Proper names from E. R.

<sup>39</sup> Verdon, β. <sup>40</sup> xx s., β; xl s., E. R. <sup>41</sup> H., β. <sup>42</sup> β inserts pleno. <sup>43</sup> i.e.

de Lonybergh. <sup>44</sup> nunc, aa, β, δ.



hand of our lord the King the goods and chattels and lands and tenements of these same J. and W. and others ; and of their true value to make return etc. And the Sheriff aforesaid now sends report that the aforesaid etc. are not to be found within his bailiwick ; and touching the said J. and W. he reports that he has taken into the hand of our lord the King the lands and tenements of the aforesaid, which are valued at a yearly value etc. Then the aforesaid J. and the others were formally called ; and, coming not, their chattels aforesaid were confiscated by reason of their flight. Afterwards the said etc. came and rendered themselves to prison ; and they were acquitted, and gave security by pledges that they might recover possession of their chattels etc.

The jurors present that one Walter Giffard, knight, was arrested within the hundred of Ham and was taken away to the city of Canterbury ; and there, for stirring up sedition against our lord the King while he was over sea in Gascony, was, by order of our lord the King, father of the King that now is, distrained. This same Walter had chattels to the value of fifty shillings in his possession when he was arrested, as appears from the roll of J. the coroner ; and for this the Sheriff is responsible. And because the twelve of this hundred made no presentment as to such chattels, therefore to judgment of them.

The jurors present that Thomas of Chart that was of late the bailiff of the manor of E. did, by abuse of his own authority as bailiff, amerce J. of H. in the sum of twenty shillings, without taxation by his peers ; and that two several times he did make levy of such amercement, when the said J. had been amerced but once. Therefore the Sheriff is charged to have him here. And afterwards this same Thomas came, and he cannot deny what is said against him ; therefore to prison with him. In the end he made fine with the King.

The jurors also present that William Jolys of Elham was arrested within the hundred of Loningborough at the suit of H. Bourdoun for that he stole five sheep of the value of ten shillings within the hundred of Newchurch<sup>1</sup> ; and that in the full hundred court of Loningborough, before J. Creek, then being bailiff of Juliana de Leyburn, and William

<sup>1</sup> *Quere*, from what follows, whether this should not be *Ham*. The hundred of Ham is bounded on the east by the hundred of Newchurch, and so it is

quite possible that the hundred was at first wrongly laid. Both the E. R. and texts read *Newchurch* here.



Hore tunc ballivo archiepi-copi Cantuariensis suspensus fuit & quia predictum latrocinium factum fuit extra hundredum idem ideo preceptum est vicecomiti quod venire faciat predictos <sup>1</sup>&c. & <sup>2</sup>sectatores istius hundredi. Postea veniunt dicti sectatores<sup>3</sup> & dicunt quod predictus W. ducens predictas oves<sup>4</sup> in villa de E.<sup>5</sup> in hundredo isto & ibidem pro suspicione captus fuit & predictus H. sequebatur versus eundem & dixit quod predictus W. furatus fuit predictas oves &c. in hundredo de Hamme & paratus &c. & predictus W.<sup>6</sup> dixit quod non<sup>7</sup> & de hoc posuit<sup>8</sup> se super<sup>9</sup> hundredum idem<sup>10</sup> & xii<sup>11</sup> jurati dixerunt quod idem<sup>12</sup> W. <sup>13</sup>furatus fuit<sup>14</sup> predictas oves &c. & quia prelieti sectatores cognoscunt idem latrocinium factum fuisse in hundredo de H. & porrexerunt<sup>15</sup> inde ad iudicium per homines<sup>16</sup> istius<sup>17</sup> hundredi & quod<sup>18</sup> deliberaverunt oves<sup>19</sup> predicto H. cum <sup>20</sup>captus non fuit<sup>21</sup> ad<sup>22</sup> sectam ipsius H. Ideo ad iudicium del<sup>23</sup> sectatoribus & predicto oves revertantur domino regi <sup>24</sup>unde vicecomes respondeat<sup>25</sup> &c.<sup>26</sup>

<sup>27</sup>Robertus de Kerstane duxit quamdam carectam<sup>28</sup> cum querebus oneratam<sup>29</sup> in Borgha de Seuenok <sup>30</sup>que quidem<sup>31</sup> carecta <sup>32</sup>cum ligno<sup>33</sup> cecidit super ipsum<sup>34</sup> R. <sup>35</sup>et oppressus fuit<sup>36</sup> per quod idem R. inde obiit. Nullus inde male creditur. Iudicium infortunium. Primas inventor et quatuor vicini veniunt nec male creduntur. Precium carecte quereuum et equorum x. s. unde magister Michael de Benham et alii executores Roberti Archiepiscopi Cantuarie respondeant.

<sup>37</sup>Willelmus de Boewelle, Galfridus frater ejus et Willelmus Swethe in veniendo in peregrinacione de capella de Hoke transierunt per domum<sup>38</sup> Ricardi de Bromeshanne et quidam Johannes de Rosekyn qui fuit in societate predicti W. et aliorum sagitavit eanem predicti R. per quod idem R. cum J. fratre suo et multis aliis <sup>39</sup>secuti sunt<sup>40</sup> predictum<sup>41</sup> W. et alios &c. in Borgha<sup>42</sup> de Littleham et ipsos ibidem vulneraverunt et predictus T. percussit predictum W. de B. cum quodam ligone in capite ita quod cecidit et predicti T. de S. et A. de C. postquam

<sup>1-3</sup> aa, β, δ omits. <sup>2-3</sup> β omits. <sup>4-5</sup> &c., γ; δ omits. <sup>6</sup> β adds de E. <sup>7</sup> β and δ abl furatus fuit; aa adds inatus fuit v. oves predictas &c. <sup>8</sup> ponit, β. <sup>9</sup> adds patriam et. <sup>10</sup> istud, β. <sup>11-12</sup> dixerunt quod predictus, aa, β. <sup>13</sup> furavit, aa. <sup>14</sup> processerunt, aa. <sup>15</sup> inquisitionem homicidii, aa, β. <sup>16</sup> i.e. de Lonybergh. <sup>17</sup> quia, β. <sup>18</sup> β inserts predictas. <sup>19-20</sup> capti fuerunt, ε. <sup>21</sup> per, β. <sup>22</sup> β inserts eisdem. <sup>23-24</sup> δ omits. <sup>25</sup> from β; γ has respondet. <sup>26</sup> Reported by aa, β, γ, δ, ε. Text from γ collated with the others; Proper names from E. R. <sup>27</sup> ε adds cartatam. <sup>28</sup> δ and ε omit. <sup>29-30</sup> que quedam, aa; qui quidam, β. <sup>31-32</sup> from β and ε; γ omits. <sup>33</sup> predictum, β. <sup>34-35</sup> from β and ε; γ omits. <sup>36</sup> Reported by aa, β, γ, ε. Text from γ collated with the others. Proper names from E. R. <sup>37</sup> dominium, β. <sup>38</sup> aa omits. <sup>39-40</sup> insecuti fuerunt, β. <sup>41</sup> predictos, β. <sup>42</sup> burgham, β.





Hore, then being bailiff of the Archbishop of Canterbury, the said W. was hanged. And because the stealing aforesaid was not within the hundred of Loningborough, therefore was the Sheriff charged to have before the Court the aforesaid J. Creek and W. Hore, as well as the suitors of the said hundred. Afterwards come the said suitors, and they say that the aforesaid William drove the aforesaid sheep into the town of E. within the hundred of Loningborough, and that there he was arrested on suspicion; and that the aforesaid H. made prosecution of this same W. and alleged that he, the said William, had stolen the said sheep etc. within the hundred of Ham, and that ready he was etc.; and that the said W. made denial of this; and on such plea put himself on the said hundred of Newchurch; and the twelve jurors found that the said W. had stolen the said sheep etc.; and because the aforesaid suitors admitted that they were so stolen within the hundred of H., and that yet they, being the suitors of another hundred, proceeded to judgment thereon, and because also they delivered the sheep to the aforesaid H., at whose suit the prisoner had not been arrested, therefore to judgment of these suitors; and let the sheep be forfeit to our lord the King, and for this let the Sheriff be responsible etc.

Robert of Keston was driving a certain cart laden with oak trunks in the borough of Sevenoaks, and the said cart together with the timber overturned and fell upon him, the said R., and thereunder was the said R. crushed, so that he died thereof. No one lies under suspicion in respect of the matter. Judgment of misadventure. The first finder and the four neighbours come, and are not suspected. The value of the cart and timber and horses is ten shillings, for which Master Michael de Benham and the other executors of Robert, Archbishop of Canterbury, are responsible.

As William of Buckwell, Geoffrey his brother, and William Swethe were returning in a penitential procession from the chapel of Hoath they passed the house of Richard of Brenmesham; and a certain John of Rucking, who was in the company of the said W. and the others, shot an arrow at the dog of the said R. Whereupon the said R., together with J., his brother, and many others, pursued the said W. and the others etc. into the borough of Littlebourne, and them there wounded; and the aforesaid T. struck the aforesaid W. of B. on the head with a certain mattock, so that he fell; and after he, the said W., had so fallen, the said T. of S. and A. of C. wounded him with



cecidit vulneraverunt predictum W. cum ij<sup>1</sup> ligonibus<sup>2</sup> ita quod iij<sup>3</sup> die inde obiit. Et predicti R. et J. statim fugerunt et malecreduntur. Ideo exigantur<sup>4</sup> et utlagentur.<sup>5</sup> Catalla ipsius<sup>6</sup> J. iij s. unde abbas sancti Augustini respondet.<sup>7</sup> Et T. nulla habuit catalla sed fuit in Burgo de L. Ideo in misericordia. Postmodum<sup>8</sup> testatum est quod predictus<sup>10</sup> R. de B. et alii sunt manentes<sup>10</sup> in patria. Ideo capiantur. Primus inventor et iij vicini veniunt<sup>11</sup> et non malecreduntur.<sup>12</sup> Nulla Englescheria presentata. Judicium murti super hundredum.<sup>13</sup> Postea veniunt predicti R. de B. et alii. Quesiti qualiter<sup>14</sup> voluerunt se defendere<sup>14</sup> de morte<sup>15</sup> predicta defendunt<sup>16</sup> mortem & quicquid est contra pacem regis & de bono & malo ponunt se super patriam. Et jurati<sup>17</sup> istius hundredi dicunt per<sup>18</sup> sacramentum suum quod R. & alii non sunt culpabiles de morte ipsius<sup>19</sup> W. Ideo quieti<sup>20</sup> &c. sed quia alias se subtraxerunt catalla eorum pro fuga confiscantur. Catalla predicti R. xx s. unde abbas respondet<sup>21</sup> & alii nulla catalla habent<sup>22</sup> & quia predicti &c. & alii fuerunt presentes ubi predictus J. cecidit predictum W. & non ceperunt ipsum ideo custodiantur. Postea fecerunt finem pro xx s. per plegios.<sup>24</sup> Postea testatum est per juratos quod predicti &c. alias se subtraxerunt pro morte predicta. Ideo catalla<sup>25</sup> eorum confiscantur pro fuga. Catalla x s. unde vicecomes respondet<sup>26</sup> & 27 E. de T.<sup>27</sup> & alii jurati false appreciaverunt predicta catalla ideo in misericordia<sup>28</sup> & quia predictus A. & alii manentes sunt in patria ut prius testatum est Ideo capiantur. Postea venerunt predicti A. &c. & quesiti qualiter se vellent acquietare de morte predicti W. defendunt mortem & quicquid est contra pacem domini regis & de bono & malo ponunt se &c. & Jurati dicunt &c. quod non sunt culpabiles. Ideo quieti &c.<sup>29</sup>

<sup>29</sup> Johannes pistor de Menstre<sup>30</sup> Willelmus de Stede & J. de C.<sup>31</sup> occiderunt quemdam hominem ignotum in villa de Menstre in domo predicti J. pistoris & eundem hominem in orto ipsius J. sepelierunt & statim fugerunt. Primus inventor & iij vicini<sup>32</sup> obiti<sup>33</sup> nulla<sup>34</sup> Englescheria<sup>35</sup> presentatur. Judicium murtum super hundredum<sup>36</sup> & villata de Menstre non fecit sectam. Ideo in misericordia & jurati

<sup>1</sup> duobus, β. <sup>2</sup> from β: ligonibus, aa; lignibus, γ. <sup>3</sup> tercio, β. <sup>4</sup> exigitur, aa. <sup>5</sup> &c, aa. <sup>6</sup> ejusdem, β. <sup>7</sup> iij s., ε. <sup>8</sup> respondet, β. <sup>9</sup> Postea, β. <sup>10-10</sup> R. de W. est manens in patria β; R. de W. in patria, aa. <sup>11</sup> venerunt, β. <sup>12-12</sup> Ideo nullam Englescheriam (sic), β. <sup>13</sup> & addit se, <sup>14</sup> acquietare, aa, ε; adquietare, β. <sup>15</sup> & addit predicti W. <sup>16</sup> defendunt, aa. <sup>17</sup> juratores, β. <sup>18</sup> super, β. <sup>19</sup> predicti, β. <sup>20-20</sup> β omits. <sup>21</sup> respondeat, ε. <sup>22</sup> habuerunt, ε. <sup>23-23</sup> Plegii &c, aa. <sup>24-24</sup> &c, aa. <sup>25</sup> respondent, ε. <sup>26-26</sup> Edmundus de G., ε. <sup>27-27</sup> ε omits. <sup>28</sup> Reported by aa, γ, γ, δ, ε. Text from γ collated with the others. Proper names from E. R. <sup>29</sup> Monstone, β. <sup>30</sup> Several others are joined in E. R. <sup>31-31</sup> &c, aa. <sup>32</sup> obierunt, β, δ. <sup>33-33</sup> &c, γ. <sup>34-34</sup> etc, aa. <sup>35-35</sup> δ omits.



two mattocks so that on the third day thereafter he died thereof. And the aforesaid R. and J. immediately fled, and they are suspected. So they are to be exacted and outlawed. The chattels of the said J. are valued at three shillings, for which the Abbot of St. Augustine's is responsible. T. had no chattels, but was within the borough of L. Therefore is that borough in mercy. It was after testified that the aforesaid R. of B. and the others were at large in the country; so let them be arrested. The first finder and the four neighbours come and are not suspected. No Englishry was presented. Judgment of murder against the hundred. Afterwards come the aforesaid R. of B. and the others. Being asked how they will acquit themselves of the said slaying, they deny the slaying and all that is against the King's peace; and for good and evil put themselves on the country. And the jurors of the hundred upon their oath do say that R. and the others are not guilty of the death of the said W. So let them go quit etc.; but forasmuch as they had fled aforetime, their chattels are confiscated by reason of such flight. The chattels of the aforesaid R. are valued at twenty shillings, for which the Abbot is responsible; and the others have no chattels. And because the aforesaid etc. and the others were present there where the aforesaid J. slew the aforesaid W. and did not arrest him, therefore to prison with them. And afterwards these made fine for twenty shillings through pledges. Afterwards it was found by the jurors that the aforesaid etc. had at other time fled on account of the aforesaid slaying. So their chattels are confiscated by reason of such flight. Their chattels are valued at ten shillings, for which the sheriff is responsible. E. of T. and the other jurors made false valuation of the said chattels, therefore they are in mercy. And because the aforesaid A. and the others are still at large in the country, as was afore testified, let them therefore be arrested. After come the aforesaid A. etc., and being asked how they will acquit themselves of the death of the aforesaid W., they deny the death and whatever else be against the peace of our lord the King, and for good and evil put themselves etc. And the jurors say etc. that they are not guilty. Therefore let them go quit etc.

John the baker, of Minster, William of Stede and J. of C. slew a certain man unknown, in the house of the said John the baker within the town of Minster, and this same man did bury in the garden of the said J., and then straightway took flight. The first finder and the four neighbours are dead. Englishry is not presented. Judgment of murder against the hundred. The township of Minster did not make pursuit, wherefore it is in mercy. And the jurors testify that the aforesaid J. and the



testantur quod <sup>1</sup>predictus J. & alii postea capti fuerunt & predictus M. & A.<sup>2</sup> coram justiciariis ad gaolam <sup>3</sup>deliberandam apud Maydene-stone assignatis<sup>4</sup> suspensi fuerunt. Catalla predicti A. xvj d. unde prior ecclesie X<sup>5</sup> Cantuariet respondeat. Et predicti alii coram Luca de la Gare<sup>6</sup> & sociis suis<sup>7</sup> ad gaolam deliberandam castri Cantuariet<sup>8</sup> suspensi fuerunt. Nulla habuerunt catalla & predictus H. ate Fold<sup>9</sup> post captus fuit & ductus ad prisonam castri Cantuarie & ibidem coram dicto Luca & sociis suis justiciariis<sup>10</sup> idem H. sieud<sup>11</sup> clericus convictus liberatus fuit domino R. Archiepiscopo Cantuariensi qui obiit qui quidem H.<sup>12</sup> positus fuit per eundem archiepiscopum in prisona de Lymene<sup>13</sup> & <sup>14</sup>evasit prout testatum est per juratos istius hundredi Ideo ad iudicium de evasione predicti H.<sup>15</sup> super executorem<sup>16</sup> archiepiscopi & idem H. <sup>17</sup>post evasionem<sup>17</sup> fugit <sup>18</sup>& jurati malecredunt<sup>18</sup> Ideo exigatur & utlagetur.<sup>19</sup> Catalla ejus xij d. unde abbas <sup>20</sup>Sancti Augustini qui nunc est<sup>20</sup> respondet Idem<sup>21</sup> habuit terras unde annus & vastus xij s.<sup>22</sup> unde idem Abbas respondet. & de exitibus <sup>23</sup>terris ejusdem pertinentiis<sup>23</sup> quos Abbas qui obiit cepit unde abbas qui nunc est respondet<sup>24</sup> &c.

<sup>25</sup>Nicholas de Wyneestre Johannes Clanger vicarius de Newe-cherche Dunstanus vicarius ecclesie de Newecherche & Alditha de Romenhale venerunt ad <sup>26</sup>domum rectoris ecclesie<sup>26</sup> de Newecherche in Borgia de Wastechar & ibidem Gyseknum servientem rectoris cum quadam hachia interfecerunt & predicta Alditha statim fugit & malecredetur Ideo exigatur &c.<sup>27</sup> nulla habuit catalla & quia homicidium evenit de die <sup>28</sup>& Borgus de Romeneye<sup>28</sup> non cepit ipsam ideo in misericordia & <sup>29</sup>N. de W. & Dunstanus<sup>29</sup> vicarius statim post factum fugierunt & coram justiciariis ad diversas transgressiones &c tanquam clerici convicti Archiepiscopo<sup>30</sup> liberati fuerunt. Catalla predicti N.

<sup>1-2</sup> predicti M. & A., *β*. predicti W. et alii postea capti fuerunt et predicti E. & W., *ε*. <sup>3-3</sup> *δ* omits; & *ε*, *β*. <sup>4</sup> Cantuariensis, *β*. <sup>5</sup> la Ware, *aa*; la mare, *β*; la barre, *δ*. <sup>6</sup> *β* adds alius. <sup>7</sup> *β* adds justiciariis. <sup>7-8</sup> *δ* omits. <sup>9</sup> Henricus Attefelde, *β*; A. atte Felde, *ε*. <sup>10</sup> *δ* adds predictis. <sup>11</sup> tanquam, *β*. <sup>12</sup> A., *ε*. <sup>13</sup> Lurene, *aa*; Dunlu, *β*; Lanie, *δ*; Lymere, *ε*. <sup>14</sup> qui prisonam, *aa*; qui a prisona, *β*; *δ*; qui a prisona illa, *ε*. <sup>15</sup> A., *ε*. <sup>16</sup> executores, *β*. <sup>17-17</sup> postquam evasit, *β*. <sup>18-18</sup> malecredetur, *β*. <sup>19</sup> *β* adds et Willelmus nulla habuit catalla &c. Et predictus Johannes Pistor statim post factum fugit et juratores malecredunt. *ε* adds nulla habuit catalla, et predictus J. Pistor statim post factum fugit, et Jurati malecredunt. Ideo exigatur et utlagetur. <sup>20-20</sup> *aa*, *β*, *δ*, *ε* omit. <sup>21</sup> *ε* adds A. <sup>22</sup> xij s., *aa*, *ε*; xij s. vij d., *β*; iij s. vij d., *δ*. <sup>23-23</sup> terro ejusdem per medium tempus, *aa*, *β*; *δ* omits; terrarum earundem per medium tempus, *ε*. <sup>24</sup> respondebit, *β*. <sup>25</sup> Reported by *aa*, *β*, *γ*, *δ*, *ε*. Text from *γ* collated with the others. Proper names from E. R. <sup>26-26</sup> dominum rectorem, *β*. <sup>27</sup> from the other texts; *γ* has utlagetur; but a woman was not outlawed, she was waived. <sup>28-28</sup> in borghade N., *β*; in Burgo et, *γ*. <sup>29-29</sup> Nicolaus et Johannes de W., *aa*. <sup>30</sup> episcopo, *β*; archidiacono, *ε*.





others were afterwards taken, and the aforesaid M. and A., before the Justices commissioned to deliver the gaol at Maidstone, were hanged. The chattels of the aforesaid A. are valued at sixteen pence, for which the Prior of Christ Church at Canterbury is responsible. And the others aforesaid were hanged before Luke de la Gare and his fellows commissioned to deliver the gaol of Canterbury Castle. They had no chattels, and the aforesaid H. at Fold was taken afterwards and brought to the prison of Canterbury Castle; and there, before the said Luke and his brother Justices, the said H. was, as a convicted clerk, delivered up to the lord R., Archbishop of Canterbury, who is since deceased; and the said H. was by the said Archbishop imprisoned in the prison of Lyminge, and thereout he did escape, as was testified by the jurors of the hundred. So to judgment of the executor of the Archbishop by reason of the escape of the said H. And the said H., after that he so escaped, fled, and the jurors suspect him:<sup>1</sup> so let him be exacted and outlawed. His chattels are valued at thirteen pence, for which the present Abbot of St. Augustine's is responsible. The same H. had lands of which the year and the waste is worth thirteen shillings, and for this the same Abbot is responsible; as also is the Abbot that now is responsible for the mesne profits arising from the lands of the said H., which the Abbot that is dead took, etc.

Nicholas of Winchester, John Clanger, vicar of Newchurch, Dunstan, vicar of the church of Newchurch, and Alditha of Romney came to the house of the rector of the church of Newchurch in the borough of Wastechar, and there Gyselmus, that was the rector's serving-man, with a certain axe did kill; and the aforesaid Alditha did immediately fly, and she is suspected. Therefore let her be exacted etc. She had no chattels; and because the homicide was done in the daytime, and the borough of Romney took her not, let it be in mercy. And N. of W. and D. the vicar fled straightway after the deed; and by the Justices assigned to hear and determine divers trespasses etc., were delivered to the Archbishop as convicted clerks. The chattels of the aforesaid N.

<sup>1</sup> Though H. had already been convicted, it was necessary that the jurors should formally find that they suspected

him, as a condition precedent to his being exacted and outlawed.



xviii d.<sup>1</sup> unde vicecomes respondet. Catalla predicti Dunstani<sup>2</sup> lxxviii s. viii d.<sup>3</sup> que Hunfreus de Waledene<sup>4</sup> dum fuit custos archiepiscopatus<sup>5</sup> & recepit,<sup>6</sup> unde idem<sup>6</sup> &c. Idem<sup>6</sup> Dunstanus habuit plura catalla viz. xix s. viij d.<sup>7</sup> unde vicecomes respondeat Postmodum jurati testantur quod xliii libras stirlingas que invente<sup>8</sup> fuerunt cum predictis N. & D. apud Meydenestan<sup>10</sup> in prisona<sup>10</sup> tradite fuerunt Johanni de Bandewyne ballivo de M. &c. & similiter Jurati testantur quod idem Hunfreus habuit in denariis inventis cum predictis N. & D. viij li. unde predictus H. respondet. <sup>11</sup>Ideo preceptum est vicecomiti.<sup>11</sup>

<sup>12</sup>Michael filius<sup>13</sup> Willelmi Sywat <sup>14</sup>persona ecclesie de Euere<sup>14</sup> & Robertus de Redeburn transiverunt ultra terram Thome de Boscherst in Borgo de Westhirum causa venandi<sup>15</sup> qui quidem T. supervenit rogando<sup>16</sup> ne ulterius transirent in dampno suo & quod <sup>17</sup>vadia ponerent<sup>17</sup> & predictus M. arcu<sup>18</sup> suo tenso<sup>19</sup> sagittavit predictum T. in brachia<sup>20</sup> <sup>21</sup>& ij die <sup>21</sup>obiit & predicti R. & M. statim post factum<sup>22</sup> fugerunt & jurati malecredunt <sup>23</sup>predictos R.<sup>23</sup> ideo exigantur &c. nulla habuerunt catalla sed fuerunt de<sup>24</sup> manupastu predicti Willelmi Siwat ideo in misericordia <sup>25</sup>ij vicini veniunt & non malecreduntur<sup>25</sup> & jurati falso presentaverunt unum vicinum<sup>26</sup> cum non esset. Ideo in misericordia. Postmodum<sup>27</sup> compertum est per rotulos coronatoris quod Matilda que fuit uxor dicti Thome appellavit predictum Michaellem & sequebatur appellum usque ad iij<sup>27</sup> comitatum. Ad quem comitatum dominus rex mandavit breve suum de predicto appello amovendo & amiotum fuit coram rege. Et quia nescitur quid iudicium<sup>28</sup> actum est & predictus M. manens est in patria ideo capiatur. Postea venit predictus M.<sup>29</sup> & quesitus qualiter se velit acquietare de predicta morte & dicit quod alias coram Rogero Brabason & sociis suis justiciariis domini regis ad placita &c. in quindena Sancti Hilarii anno regis nunc iij acquietatus fuit <sup>30</sup>de morte predicta<sup>30</sup> & de hoc vocat <sup>31</sup>recordum rotulorum ejusdem Rogeri.<sup>31</sup> Ideo mandatum est eidem R. quod scrutatis rotulis

<sup>1</sup> xv d.,  $\beta$ . <sup>2-3</sup> xl s., aa; xx s.,  $\beta$ ;  $\epsilon$  agrees with  $\gamma$ . <sup>2-4</sup> xv s. quod H. de Walton,  $\delta$ . <sup>5-6</sup> respondet,  $\beta$ . <sup>6-7</sup> The other texts omit. <sup>7</sup> xv s., aa,  $\beta$ ; xix s. viij d.,  $\epsilon$ . <sup>8</sup> presentant,  $\beta$ ,  $\delta$ . <sup>9-10</sup> xliii libri qui inventi,  $\beta$ ; xliij libri sterlingorum qui inventi,  $\epsilon$ . <sup>10-11</sup>  $\beta$ ,  $\delta$ , omit. <sup>11-12</sup> aa,  $\beta$ ,  $\delta$ , omit. E. R. adds quod venire faciat tam predictum Hunfreum quam predictum Johannem etc. . . . Et de predicto Johanne C. jurati dicunt quod in nullo malecredunt ipsum. Ideo nichil de exigendo de eo. <sup>12</sup> Reported by aa,  $\beta$ ,  $\gamma$ ,  $\delta$ ,  $\epsilon$ . Text from  $\gamma$ , collated with the others. Side note from  $\beta$ . Proper names from E. R. <sup>12-13</sup> Maurice fitz,  $\delta$ . <sup>13-14</sup>  $\delta$  omits. <sup>14</sup> contempnandi,  $\beta$ ,  $\delta$ . <sup>15</sup> et rogavit eos, aa,  $\beta$ ,  $\delta$ ,  $\epsilon$ . <sup>16-17</sup> vadium posuissent,  $\beta$ . <sup>18</sup> manu,  $\epsilon$ . <sup>19</sup> tenso from  $\beta$  and  $\epsilon$ . <sup>20</sup> brachio,  $\beta$ ; brachium,  $\epsilon$ . <sup>21-22</sup> ita quod secundo die fidei,  $\beta$ . <sup>22</sup> post factum from  $\beta$ ,  $\epsilon$ . <sup>23-24</sup> sic; predictum R.,  $\beta$ ,  $\epsilon$ , E. R.; ipsum M.,  $\delta$ . <sup>24-25</sup> Postea,  $\delta$ . <sup>25-26</sup> Thomas venit et non malecreditur,  $\beta$ . <sup>26</sup> murdum,  $\beta$ . <sup>27</sup> quartum,  $\beta$ . <sup>28</sup> inde, aa,  $\beta$ ,  $\delta$ ,  $\epsilon$ . <sup>29</sup> T.,  $\beta$ . <sup>30-31</sup> &c.,  $\epsilon$ . <sup>31-32</sup> recordum ipsius Rogeri,  $\epsilon$ .



are valued at eighteen pence, for which the sheriff is responsible. The chattels of the aforesaid Dunstan, to the value of seventy-eight shillings and eight pence, were taken by Humphrey de Walden, that was guardian of the temporalities of the Archbishopric ; and the same Humphrey is responsible for them. Other chattels had the aforesaid D. to the value of nineteen shillings and eightpence, and for these is the sheriff responsible. And afterwards it was testified by the jurors that a sum of thirteen pounds sterling which was found in the possession of the aforesaid N. and D., while they were in the prison of Maidstone, had been delivered to John of Bandewyne that was bailiff of M. etc., and the jurors further testified that the said Humphrey received moneys found upon the aforesaid N. and D. to the amount of eight pounds, and for these the aforesaid H. is responsible. And charge to this effect was given to the sheriff.

Michael, son of William Sywert, parson of the church of Hever, and Robert of Redburn trespassed upon the land of Thomas of Boscherst within the borough of Westerham that they might hunt thereon ; and upon the said Thomas coming up and requesting them not to trespass further to his loss, and asking for pledges, the aforesaid M. drew his bow and shot the aforesaid T. in his arm ; and on the second day then following he, the said T., did die. And the aforesaid R. and M. fled immediately after the deed, and the jury suspect the said R. [and M.], therefore let them be exacted etc. They had no chattels, but they were in the mainpast of the aforesaid William Siwat, so the same William must remain in mercy. Three neighbours come and are not suspected ; and for the fourth the jurors falsely presented one who was no neighbour ; and for this they are in mercy. Afterwards it was found by the coroner's rolls that Matilda, the wife that was of the said Thomas, had appealed the aforesaid Michael, and had prosecuted her appeal up to the fourth county court ; to which county court our lord the King had sent his writ commanding the aforesaid appeal to be removed, and it was moved before the King. And seeing that it is unknown what judgment was there rendered, and that the said M. is now at large in the country, order was made to arrest him. After comes the aforesaid M. ; and, being asked how he will acquit himself of the aforesaid slaying, says that aforetime, before Roger Brabazon and his fellows, Justices of our lord the King for pleas etc., on the quindene of St. Hilary in the fourth year of the reign of the present King, he was acquitted of the aforesaid slaying ; and in proof of this he vouches the rolls of that same Roger. So word is sent to that same Roger that he examine his rolls and certify the Justices

Record of  
Plea Roll  
vouched in  
Eyre.



suis certificeet hic & in crastino animarum Justiciariis<sup>1</sup> hic de acquietancia predicta, &c.

### Note from Eyre Roll—

Et quia predictus Michael acquietatus est de facto ut patet in deliberacione Gaule consideratum est quod predictus Robertus Capellanus indictatus de societate acquietetur : et nichil de exigendo.

Non sente de  
apel treve  
par rouie de  
coroner.

<sup>2</sup>Willelmus Christemasse <sup>3</sup>de Birchiltone<sup>4</sup> Robertus Bataill & Johannes Capoun simul<sup>5</sup> fuerunt in Burgo de Birchilton & mota contencione inter eos predictus Johannes Capoun percussit predictum R. Bataille cum gladio super caput & idem R. repercussit predictum J. cum quadam furca ferri<sup>6</sup> super caput<sup>7</sup> & super hoc predictus W. Cristemasse percussit eundem J. cum quodam baculo quod cecidit et obiit in crastino & idem W. Cristemasse statim fugit & malecreditur. Ideo &c. Catalla ejus xx *d.* unde viccomes respondet. Idem habuit terram unde annus & vastum vj *d.* unde prior Cantuarie respondet. & de exitibus terre ejusdem &c per medium tempus vj s.<sup>8</sup> unde idem prior respondeat & predictus R. Bataille statim captus fuit & ductus ad prisonam prioris N<sup>1</sup> Cantuarie ad<sup>9</sup> Cantuariam & de eadem prisona evasis prout<sup>10</sup> compertum est tam per juratos istius hundredi quam per juratos comitatus Cantuarie. Ideo ad judicium de evasione ipsius R. super priorem &c. Et predictus R. <sup>11</sup>post evasionem<sup>11</sup> posuit se in ecclesiam de Litlebourne & ibidem regnum abjuravit coram coronatore regis prout patet in hundredo de Dounhamfont iij vicini obiti<sup>12</sup> & J. de R. unus de vicinis non venit nec malecreditur & fuit atachiatus per W. &c<sup>13</sup> & N. &c<sup>14</sup> ideo in misericordia. Postea compertum est per rotulos coronatoris quod Agnes que fuit uxor predicti J. Capoun appellavit in comitatu Henricum ate Crouche de Bircheltoun qui obiit<sup>15</sup> & Walterum Crouch de abetto & concensione<sup>16</sup> de morte predicti J. Capoun que quidem A. <sup>17</sup>suum appellum non prosecuta<sup>17</sup> nisi ad unum comitatum & modo vocata non venit appellum suum<sup>19</sup> prosequendum. Ideo ipsa & plegii sui <sup>20</sup>de prosequendo<sup>20</sup> in misericordia scilicet <sup>21</sup>C. & M.<sup>22</sup> & predicta A. capiatur & predictus Walterus atte Crouche manens est in patria. Ideo capiatur. Post venit predictus W. & invenit

<sup>1</sup> Justiciarios, *β*. <sup>2</sup> Reported by *aa*, *β*, *γ*, *δ*, *ε*. Text from *γ*, collated with the others. Side-note from *β*. Proper names from E. R. <sup>3-4</sup> *aa*, *β*, *δ* omit; de Byrchinton, *γ*, *ε*. <sup>5</sup> similiter, *δ*. <sup>6</sup> ferrea, *aa*, *β*, *δ*, *ε*. <sup>7-8</sup> &c., *β*; *δ* omits. <sup>9</sup> *β* and *δ* obl super caput. <sup>10</sup> v s., *β*. <sup>11</sup> apud, *δ*. <sup>12</sup> sicud, *β*. <sup>13-14</sup> postquam evasis, *aa*, *β*, *δ*, *ε*. <sup>15</sup> obierunt, *β*. <sup>16</sup> de C., *β*. <sup>17</sup> de H., *β*. <sup>18-19</sup> *δ* omits. <sup>20</sup> consensu, *aa*, *β*, *δ*, *ε*. <sup>21-22</sup> *δ* omits. <sup>23</sup> prosequatur, *β*. <sup>24</sup> *δ* adds ad. <sup>25-26</sup> *δ* omits. <sup>27-28</sup> M. et W., *β*; W. et M., *δ*; C. et R., *ε*. <sup>29</sup> *δ* omits from here to note 1 on p. 69. E. R. gives the names of twelve mainpernors.





here on the morrow of All Souls whether such alleged acquittal be true or no.

While William Christmas of Birchington, Robert Battle and John Capon were consorting together in the borough of Birchington they began to quarrel; and the aforesaid John Capon struck the aforesaid R. Battle upon the head with a sword, and the aforesaid R. struck back at the aforesaid J. with a certain iron fork, hitting him therewith on the head; and upon this the aforesaid W. Christmas struck the same J. with a certain bludgeon, so that he fell and died on the morrow; and the said W. Christmas straightway fled, and is suspected. Therefore etc. His chattels are valued at twenty pence, for which the sheriff is responsible. Also he had land of which the year and waste is worth sixpence; and for this the Prior of Canterbury is responsible; and for the mesne profits of this same land, which be six shillings, is that same Prior further responsible. And the aforesaid R. Battle was straightway taken and brought to the prison of the Prior of Christ Church of Canterbury at Canterbury and from that same prison did escape; as is found as well by the jurors of the hundred as by the jurors of the city of Canterbury. So to judgment of the Prior for that R. did escape. And the aforesaid R., after that he had so escaped, took refuge in the church of Littlebourne, and there did abjure the realm in the presence of the King's coroner, as is set out in the rolls of the hundred of Downhamford. Three of the neighbours are dead, and J. of R., the fourth neighbour came not, neither was he suspected. He was attached by W. etc. and N. etc., and so these be in mercy. After it was found by the coroner's rolls that Agnes, wife that was of the aforesaid J. Capoun, appealed in the county court Henry at Crouch of Birchington, who is since dead, of the death of the aforesaid J. Capoun, and Walter Crouch of aiding and consenting thereto; but that the said Agnes had not prosecuted her appeal further than the first court, and had not answered when called to prosecute her appeal further. So she and her pledges to prosecute, to wit, C. and M., are in mercy; and let the aforesaid Agnes be taken; and seeing that the aforesaid Walter at Crouch is at large within the country, let him too be taken. Afterwards came the aforesaid W. and found mainpernors,

Want of  
Prosecution  
of appeal  
proved by  
coroner's  
roll.



manuceptores scilicet R.<sup>1</sup> & C. qui cum manucapiunt<sup>2</sup> habendum hic corpus ejus pro corpore quandocumque<sup>3</sup> &c.

<sup>4</sup>Item presentant quod P. de Ravensdane captus fuit cum<sup>5</sup> j equo precii v s. & j olla erea precii ij s. furatis Ricardo Fraunceys de Hollyngeburn in hundredo isto.<sup>6</sup> Willelmus Rucke captus fuit pro diversis latrociniiis factis in hundredo isto & similiter W. filius Johannis Underdounne captus fuit pro diversis latrociniiis in dominico istius hundredi & liberati sunt ad prisonam in custodia Isoldo de Ores & multorum aliorum qui prisonam de Luthmylne custodire debent. & custoditi fuerunt per eosdem & postea <sup>7</sup>a custodia illa & a custodia eorundem<sup>7</sup> evaserunt. Ideo ad judicium de evasione predictorum P. & W. & predictus P. post evasionem<sup>8</sup> posuit se in ecclesiam de Tunstal & ibidem cognovit predictum latrocinium & quod fregit prisonam predictam & abjuravit regnum coram coronatore nulla habuit catalla & predictus W. &c statim post evasionem fugierunt & <sup>9</sup>malecredunt istos. Ideo exigantur & utlagentur. Nulla habuerunt catalla nec fuerunt in burgha quia extranei & quia dictus P. captus fuit cum predictis equo & olla errea & nescitur quid actum fuerit de eisdem sed ut dicitur restituti fuerunt predicto Ricardo Fraunceys per considerationem sectatorum ejusdem hundredi cum hoc facere non<sup>10</sup> potuerunt nec debuerunt preceptum est vicecomiti quod venire faciat predictos sectatores, &c.

Judicium de  
ballivo et  
sectatoribus.

<sup>11</sup>Item <sup>12</sup>presentant quod Johannes le Ken clericus captus fuit in hundredo isto<sup>13</sup> per sectam Johannis Mose pro i tunica precii ij s. furata <sup>14</sup>eidem Johanni<sup>15</sup> & quia cecidisse voluit<sup>16</sup> predictum Johannem & ductus coram Rogero ballivo tunc<sup>17</sup> istius hundredi & coram sectatoribus &c qui inquisitionem fecerunt de predicto latrocinio per sectam ejusdem<sup>18</sup> Johannis. Per quam invenerunt<sup>19</sup> quod predictus J. Ken culpabilis fuit de predicto latrocinio unde<sup>20</sup> sectatores liberaverunt ipsum J. tanquam clericum convictum ad prisonam de Lynene<sup>21</sup> que est de archiepiscopatu Cantuariensi<sup>22</sup> qui ibidem obiit<sup>23</sup> in prisona.<sup>24</sup> Catalla<sup>25</sup> vjs. que Margareta<sup>26</sup>

<sup>2</sup>manuceperunt, *β*. <sup>3</sup>quando oportet, *β*. <sup>4</sup>Reported by *γ*, *ε*.  
Text from *γ* collated with *ε*. Proper names from E. R. <sup>5</sup>pro, *ε*.  
<sup>6</sup>i.e. Middleton. <sup>7</sup>from *ε*. <sup>8</sup>postquam evasit, *ε*. <sup>9</sup>*ε* adds  
Jurati. <sup>10</sup>minime, *ε*. <sup>11</sup>Reported by *aa*, *β*, *γ*, *δ*, *ε*. Text from *γ* collated  
with the others. Side note from *β*. Proper names from E. R. <sup>12</sup>*β*, *δ* add  
juratores, omit item. <sup>13</sup>i.e. Middleton. <sup>14</sup>*aa* omits. <sup>15</sup>*pro eo*  
quod occidisse (voluit), *aa*, *δ*, *ε*; (voluerit), *β*. <sup>16</sup>nunc, *δ*. <sup>17</sup>predicti, *β*.  
<sup>18</sup>invenit, *aa*. <sup>19</sup>per quod item, *aa*, *β*, *δ*, *ε*. <sup>20</sup>*Lyne*,  
*aa*, *β*. <sup>21</sup>*δ* omits. <sup>22</sup>*δ* omits. <sup>23</sup>*β* adds ejus.  
<sup>24</sup>Margeria, *β*.



to wit, R. and C.,<sup>1</sup> who pledged themselves to produce him here, whenever etc.

The jurors further present that P. of Ravensbourne was taken, having in his possession a certain horse of the value<sup>2</sup> of five shillings, and a certain copper vessel of the value of three shillings, the property of Richard Francis of Hollingbourne in that hundred, and stolen from him. William Rucke was taken for divers larcenies committed within the same hundred. Likewise was W., the son of John Underdown, taken for divers larcenies done within the demesne of that same hundred. All these were given as prisoners into the custody of Isolde of Oare and divers others who are by duty bound to keep the prison of the Lythe Mill. And the aforesaid prisoners, being so imprisoned and in the custody of the aforesaid Isolde and others, did break the said prison and escape from the said custody. So to judgment for the escape of the aforesaid P. and W. And the aforesaid P., after he had so escaped, took refuge in the church of Tunstall, and there did confess the aforesaid larceny and prison-breaking; and in the presence of the coroner did abjure the real. He had no chattels. And the aforesaid W. etc. straightway after they had so escaped from prison did flee, and the jury suspect them. So let them be exacted and outlawed. They had no chattels. Neither were they of the borough, being stranger men. And whereas the aforesaid P. was taken having the said horse and the said copper vessel then in his possession, and it is not certainly known what became of the same, but it is reported that they were returned to the aforesaid Richard Francis with the consent of the suitors of the hundred, which the said suitors were not entitled to do and ought not to have done, charge is given to the sheriff to bring up those same suitors etc.

Further they present that John Ken, clerk, was taken within the hundred at the suit of John Mose for that he had stolen a jacket of the value of two shillings of the goods of that same John, and had also attempted to kill the said John; and that he was brought before Roger, then being the bailiff of the hundred, and before the suitors etc., who made inquest concerning the aforesaid larceny at the suit of the said John. By which inquest it being found that the aforesaid J. Ken was guilty of the aforesaid larceny, he, the said John, was thereupon delivered by the said suitors, as a convicted clerk, into the prison at Lyminge, being a prison appurtenant to the Archbishopric of Canterbury; and in that prison he, the said J., did die. His chattels are worth

Judgment of  
bailiff and  
suitors.

<sup>1</sup> E. R. gives the names of twelve mainpernors.

<sup>2</sup> For "sundry dainty and nice

differences" between *profil* and *ad valentiam*, cf. Landard's *Eirenacha*, Bk. 2, c. 5.



regina Anglie clamat. Et quia R. ballivus & sectatores &c processerunt ad inquisitionem capiendam ad<sup>1</sup> sectam predicti J. Mose de predicto J. absque aliqua<sup>2</sup> responcione predicti J. clerici qui ibidem coram eis respondere non potuit & similiter quia deliberaverunt predictam tunicam dicto J. Mose per sectam suam absque responcione predicti Johannis 'cum premissa' facere non potuerunt nec debuerunt<sup>3</sup> preceptum est vicecomiti quod venire faciat predictum R. & sectatores &c.

<sup>7</sup> Item presentant quod <sup>8</sup> Johannes ate Chirche<sup>8</sup> intravit domum Matilde Charles de Whitstaple noctanter & furatus fuit de Borsa dicte M. v<sup>9</sup> d. ob. & j gallinam<sup>9</sup> precii ij d. ideo preceptum est vicecomiti quod venire faciat <sup>10</sup> predictum Johannem.<sup>10</sup> Similiter presentant<sup>11</sup> quod cum<sup>12</sup> Henricus de Essex venit in villa<sup>13</sup> de Whitstaple portans j super-tunicam precii iij s. linteamina precii xvij d.<sup>14</sup> xv ulnas panni de russeto precii xx s. & i patellam eneam precij xii d.<sup>15</sup> predictus J. ate Cherche tunc constabularius pacis <sup>16</sup> pro S<sup>16</sup> Wyntonial<sup>15</sup> arestavit ipsum R. (sic) interrogando cujus<sup>16</sup> bona fuerunt qui dixit<sup>17</sup> quod sua propria<sup>18</sup> & de hoc sibi quereretur sufficiens warantum. Qui quidem J. ipsum eo modo abire permisit & predicta bona & catalla penes se detinuit<sup>19</sup> & <sup>20</sup> detinet omnia predicta praeter xv ulnas<sup>21</sup> de russeto precii xx s. quas deliberavit <sup>22</sup> cuidam H. de Meen<sup>22</sup> pro ij s. quos recepit ab eodem pro deliberacione ejusdem panni. Et similiter presentant<sup>23</sup> quod idem J. cepit & impareavit equum Henrici Hunfrey quem invenit in campo de Brademede extra feodum suum & ij oves manentes in regia strata & eas impareata detinuit quousque finem fecisset cum eo pro xj d. Item J. cepit & impareavit c. oves Bartholome le Kyng<sup>24</sup> de regia strata apud Huthes & eas detinuit &c. Item idem J. cepit & impareavit ij vaccas & j vitulum que fuerunt <sup>25</sup> Stephani atte Droke<sup>25</sup> super terram<sup>25</sup> ejusdem S. & ipsas<sup>26</sup> detinuit quousque idem S. finem fecisset cum eo pro ij s.<sup>27</sup> Et predictus J. venit & quo ad predictum latrocinium de predictis v d. ob. & <sup>28</sup> gallina &c & <sup>29</sup> quo ad omnes alias transgressiones<sup>29</sup> dicit quod non est culpabilis de predicto latrocinio nec de aliis transgressionibus & de hoc ponit se super patriam.

<sup>1</sup> per. β.    <sup>2</sup> ulla, aa.    <sup>3-4</sup> & omits.    <sup>4-5</sup> quod, β.    <sup>6</sup> debeant, β; facere debeant, β.    <sup>7</sup> Reported by aa, β, γ. Text from γ collated with the others. Proper names from E. R.    <sup>8-9</sup> Johannes Atrechirche de B. β.    <sup>9</sup> unum gallum, β.    <sup>10-10</sup> Eum, aa; ipsum, γ.    <sup>11</sup> presentatum est, β.    <sup>12</sup> & abls quidem.    <sup>13</sup> ballia, β.    <sup>14-14</sup> aa, β omits.    <sup>15-15</sup> secundum statutum Wintonie, aa, β.    <sup>16</sup> aa, β insert ipsa.    <sup>17</sup> dicebat, aa, β.    <sup>18</sup> aa, β insert erant.    <sup>19</sup> retinuit, aa.    <sup>20</sup> aa, β insert adhuc.    <sup>21</sup> aa, β abt panni.    <sup>22-22</sup> eidem H. de R., aa; eidem H. R., β.    <sup>23</sup> presentatum est, aa, β.    <sup>24-24</sup> aa omits.    <sup>25</sup> terras, β.    <sup>26</sup> eos, aa, β.    <sup>27</sup> x s., aa, β.    <sup>28-28</sup> ij gallis et etiam, β.    <sup>29</sup> aa, β add predictas.





six shillings, which Margaret, Queen of England, claimeth. And since R., the bailiff, and the suitors etc. did proceed to make inquisition concerning the aforesaid J. at the suit of the aforesaid J. Mose in the absence of any answer by the said J., who, indeed, being a clerk, could not make answer to them, and since further they delivered the aforesaid jacket to the said J. Mose at his own suit, without any reply made by the aforesaid John, when these things they were neither entitled to do nor should have done, charge was given to the sheriff to bring up the aforesaid R. and the suitors etc.

The jurors further present that John at Church did enter the house of Matilda Charles of Whitstable by night, and from the purse of the said M. the sum of fivepence halfpenny did steal, and also one hen of the value of twopence did steal. So charge is given to the sheriff that he bring up the aforesaid John. Further they present that when Henry from Essex came into the town of Whitstable, having in his possession one over-coat of the value of four shillings, linen sheets of the value of eighteenpence, fifteen ells of russet cloth of the value of twenty shillings, and one copper dish of the value of twelve pence, the aforesaid J. at Church, then being constable of the peace in accordance with the provisions of the Statute of Winchester, him, the said R., did arrest and did question as to whom the said goods belonged. And the said R. did answer that they were his own goods, and that he would find good warrant thereof; and the said J. thereupon did allow the said R. to go, but detained the said goods and chattels in his own possession; and the said J. does still detain all the aforesaid goods, save the fifteen ells of russet cloth of the value of twenty shillings, which he delivered to a certain H. of Mean in consideration of the sum of two shillings from him the same H. received. And they further present that the same J. seized and impounded a horse, being the property of one Henry Humphrey, which he, the said J., found straying in a field at Broadmead outside the land of the said H., as also two sheep straying on the highway; and these did he impound and detain until the said H. made fine with him for eleven pence. Further, J. seized and impounded one hundred sheep that were on the highway, being the property of Bartholomew King at Hythe, and them did detain etc. Further, the said J. did seize and impound two cows and one calf, being the property of one Stephen at Droke, and being on the land of the said S. at the time they were so seized; and them did he, the said J., detain until the said S. did make fine with him for two shillings. And the aforesaid J. comes, and as to the aforesaid larceny of the aforesaid fivepence halfpenny and hen etc., and as to all the other trespasses, he says that of neither the aforesaid larceny nor of the other trespasses is he guilty, and of this he puts himself on the country.



Jurati dicunt <sup>1</sup>per & <sup>2</sup>ci quod quo ad<sup>3</sup> latrocinium &c nec de e. ovibus B. le K. impareatis <sup>4</sup>in nullo est culpabilis.<sup>5</sup> Ideo<sup>6</sup> quo ad hoc<sup>7</sup> quietus. Sed quo ad<sup>8</sup> imparcacionem equi & ij ovium predicti H. & <sup>9</sup>quo ad vaccam & vitulum<sup>10</sup> predicti S. dicunt quod<sup>11</sup> cepit & detinuit ut predictum est. Et quo ad arestacionem predicti H. de Essex dicunt quod ipsum arestavit & postea ipsum abire permisit ut predictum est & dicunt quod predictus J.<sup>12</sup> retinuit catalla predicta que dictus H. detulit secum in villa predicta de <sup>13</sup>W. et ea detinuit<sup>14</sup> ad opus suum proprium exceptis predictis xv ulnis <sup>15</sup>panui de russeto<sup>16</sup> quem pannum idem H. emit de quodam Henrico Meen pro <sup>17</sup>certo precio<sup>18</sup> denariorum solvendorum ad certum diem super quo dictus H. de E. invenisse debuit bonam securitatem solvendo predicto H. Meen predictos denarios inter<sup>19</sup> quem diem dictus H. de E. fugit a patria nullam inveniens securitatem predicto<sup>20</sup> M. de predictis denariis per quod idem H. advenit<sup>21</sup> predictam villam de W. & predictum pannum<sup>22</sup> in custodia predicti J. ate Cherche invenit & quem dicebat esse suum & dictus J. idem pannum ei deliberavit pro ij s. quos ab eo recepit. <sup>23</sup>Quesi Jurati<sup>24</sup> quo predictus H. de E. devenit postquam idem<sup>25</sup> J. ipsum abire permisit & ejus predicta catalla fuerunt que secum detulit<sup>26</sup> dicunt quod<sup>27</sup> fugit & numquam postea rediit & dicunt quod predictus H. furatus fuit omnia alia bona cuidam Gerardo Peres in hundredo de Westgate.<sup>28</sup> Ideo consideratum est quod predictus J. ate Cherche respondeat domino regi de catallis predictis <sup>29</sup>que appreciantur<sup>30</sup> ad <sup>31</sup>xl s. & ij d.<sup>32</sup> & custodiatur tam pro predictis transgressionibus pro<sup>33</sup> quibus convictus est quam pro eo quod predictus<sup>34</sup> H. de E. quem arestavit<sup>35</sup> abire permisit.<sup>36</sup> Et Jurati illius hundredi & Jurati de Westgate<sup>37</sup> quesiti si male credunt predictum H. de predicto latrocinio dicunt quod<sup>38</sup> furatus fuit bona predicta in hundredo predicto de W. & quod ipsum<sup>39</sup> inde malecredunt. Ideo ipse H. &c exigatur & utlagetur. Nulla habet catalla nec fuit in Burgho<sup>40</sup> quia extraneus. Postea venit predictus J. & fecit finem domino regi pro e s. per plegios W. de B. & &c.

<sup>41</sup>Johannes Armicent serviens Roberti le Creke equitavit super

<sup>1-2</sup> super sacramentum suum, *an. B.* <sup>3</sup> *an. B. add. predictum.* <sup>4-5</sup> *aa. B. omit.*  
<sup>4</sup> unde, *aa.* <sup>5</sup> *B. inserts inde.* <sup>6-7</sup> *B. adds exceptionem et.* <sup>7-8</sup> *etiam quoad*  
*vaccas et vitulum, aa.; B. omits etiam.* <sup>9</sup> *B. adds ipse.* <sup>10</sup> *idem R., aa. B.*  
<sup>10-11</sup> *from B.* <sup>11-12</sup> *from B.* <sup>12</sup> *precio predicto, aa.* <sup>13</sup> *infra, aa. B.*  
<sup>14</sup> *from B.; γ has predicti.* <sup>15</sup> *adivit, B.* <sup>16</sup> *an. B. add. de xv. ulnis ibidem.*  
<sup>17-18</sup> *Et super hoc quesitum est a predictis juratoribus aa.; B. has prefatis for*  
*predictis. E. R. agrees with B.* <sup>19</sup> *predictus, aa. B.* <sup>20</sup> *detulerat, aa.*  
<sup>21</sup> *aa and B. add. dictus H. statim.* <sup>22</sup> *Westonz, aa.; Westlong, B.*  
<sup>23-24</sup> *tanquam confiscatis que appreciata, aa.; tanquam confiscatis et appreciata*  
*sunt, B.* <sup>25-26</sup> *xx s., aa. B.* <sup>27</sup> *de, aa. B.* <sup>28</sup> *predictum, aa. B.* <sup>29</sup> *aa. B.*  
<sup>30</sup> *add. et.* <sup>31</sup> *aa. B. add. ut predictum est.* <sup>32</sup> *aa. B. add. idem H.* <sup>33</sup> *aa. B.*  
<sup>34</sup> *add. Will-hum.* <sup>35</sup> *Borthing, aa. burgha, B.* <sup>36</sup> *Reported by γ, δ, ζ, μ, ν.*  
 Text from γ collated with δ and μ. Proper names from E. R.



The jurors upon their oath do say that in naught is he guilty in respect of the larceny or of the impounded hundred sheep of B. K. So of these let him go free. But as touching the impounding of the horse and the two sheep of the aforesaid H., and as touching the cow and calf of the aforesaid S., they say that he did take and detain them as alleged. And as touching the arrest of the aforesaid Henry from Essex they say that he did so arrest him and afterwards allow him to go, as is aforesaid; and they further say that the aforesaid J. did take the chattels aforesaid which the said H. was carrying with him in the said town of W., and did detain them to his own use, excepting the said fifteen ells of russet cloth, which cloth they say that he, the said H., did buy of a certain Henry Meen in consideration of a certain sum of money to be to him, the said H. M., paid by a certain day. By which day Henry from Essex ought to have found good security for paying to the said H. Meen the said price agreed upon; but before the coming of that day the said Henry from E. fled the country, being unable to give to the said M. any security for the aforesaid price, by reason of all which premises the same H. went to the said town of W., where, finding the said cloth in the custody of the aforesaid J. at Church, and declaring such cloth to be his property, the said J. delivered to him the same cloth in consideration of two shillings from him, the said H., received. And the jury, being asked what became of the aforesaid H. from E. after that the aforesaid J. allowed him to go, and whose were the aforementioned goods which he was carrying with him, say that he fled, and never afterwards returned; and they further say that the aforesaid H. did steal all the other goods from one Gerard Peres in the hundred of Westgate. So the Court gives judgment that the aforesaid J. at Church be answerable to our lord the King for the aforesaid goods, which are valued at forty shillings and threepence, and that he go to prison both on account of the aforementioned trespasses of which he has been convicted, and for letting go the aforesaid H. from E. whom he arrested. And the jury of that hundred and the jury of the hundred of Westgate, being jointly asked if they suspect the aforesaid H. of the aforesaid larceny, say that he stole the aforesaid goods within the aforesaid hundred of W. and that him they do suspect thereof. Therefore is this H. adjudged to be exacted and outlawed. He had no chattels, nor was he of a borough, being a stranger man. Afterwards came the aforesaid J. and made fine with our lord the King for a hundred shillings; W. of B. and etc., being his pledges.

John Armicent, the servant of Robert Craik, was riding upon a



quamdam carectam ad funos † quam ij equi trahebant per aquam currentem in 1 borgho de<sup>1</sup> Wengham <sup>2</sup>& <sup>3</sup>dormiente predicto J. <sup>4</sup>carecta transversa cecidit <sup>5</sup>super predictum Johannem <sup>6</sup>in aqua predicta & <sup>7</sup>statim obiit primus inventor venit & non malecreditur nec aliquis alius Ideo iudicium infortunium Johannes Cobbe unus vicinorum non venit & fuit atachiatus per <sup>8</sup>H. ate Broke & Thomam de Reygate.<sup>9</sup> Ideo ipse in misericordia <sup>1</sup>precium carecte & equorum xxxij s. iij d.<sup>10</sup> unde vicecomes respondet & villata de Wengham false appreciavit <sup>11</sup>deodanda Ideo in misericordia<sup>1</sup> & predictus R. cepit<sup>12</sup> predictam carectam & equos sine waranto. Ideo ipse in misericordia.

<sup>13</sup> Johannes filius Stephani Vetere<sup>14</sup> etatis xiiij annorum transiens per pontem de Medmelle cecidit de eodem ponte<sup>15</sup> in aquam que <sup>16</sup>quidem aqua<sup>16</sup> ipsum portavit subtus rotam exterioriorem cuiusdam<sup>15</sup> molendini per quam oppressus fuit & statim obiit. Primus inventor venit & non malecreditur nec aliquis alius Iudicium infortunium ij vicini obierunt & H. de R. quartus vicinus non venit <sup>17</sup>nec malecreditur<sup>17</sup> & fuit atachiatus <sup>18</sup>per A. de C. & B. de C.<sup>18</sup> ideo ipsi <sup>19</sup>in misericordia precium rote iij s.<sup>20</sup> vj d. unde vicecomes respondet xii false appreciaverunt predictum deodandum ideo ipsi in misericordia.

<sup>21</sup> Henricus <sup>22</sup>parcarius captus<sup>23</sup> pro xxij multonibus furatis<sup>24</sup> in falda Nigelli de Whetacre <sup>25</sup>in villa de Waltham<sup>25</sup> venit & quesitus<sup>25</sup> qualiter se velit inde<sup>26</sup> acquietare dicit quod clericus est & non potest hic inde respondere & <sup>27</sup>super hoc<sup>27</sup> venit W. rector ecclesie sancti Alphegii & Johannes vicarius ecclesie Sancti Dunstani gerentes vices &c & petunt ipsum tanquam clericum & ut sciatur qualiter debet eis liberari inquiratur rei veritas per patriam. Jurati hundredi de Pecham<sup>28</sup> dicunt <sup>29</sup>super sacramentum suum<sup>29</sup> quod predictus H. culpabilis est <sup>30</sup>de predicto latrocinio<sup>30</sup> & quia predictus H. indictatus est de pluribus <sup>31</sup>transgressionibus & felonis <sup>32</sup>factis in diversis hundredis &c remittatus prisonem &c & inquiratur de catallis ejus in hundredo de Stoutyng.

<sup>32</sup> Quidam malefactor ignotus hospitavit<sup>33</sup> cum quodam Rogero de

† See *Introduction*. <sup>1-3</sup> *l. omits.* <sup>2-3</sup> Idem Johannes dormivit predicta. *r.*  
<sup>2-4</sup> Dum J. dormit predicta. *l.* <sup>3-7</sup> in predicta aqua super predictum Johannem ita quod predictus J. *l.* <sup>6-7</sup> ita quod predictus Johannes. *r.* <sup>7-9</sup> R. et W. *r.*  
<sup>10</sup> iij d. *r.* <sup>11-12</sup> *r. omits.* <sup>12</sup> Reported by *γ* and *r.* Text from *γ* collated with *r.* Proper names from E.R. <sup>13</sup> veteris. *r.* <sup>14</sup> *γ omits.* <sup>15</sup> from *r.*  
<sup>16-16</sup> from *r.* <sup>17-17</sup> *r. omits.* <sup>17-18</sup> *r. omits.* <sup>18</sup> ipsi. *r.* <sup>19</sup> ij s. *r.*  
<sup>21</sup> Reported by *γ*. *l.* *r.* Text from *γ* collated with the others, and compared with E. R. <sup>22-22</sup> le Parlier captus fuit. *l.* <sup>23</sup> qui fuerunt. *l.* <sup>24-24</sup> qui. *r.*  
<sup>25</sup> quesivit. *l.* <sup>26</sup> from *l.* <sup>27-27</sup> from *r.* <sup>28</sup> pace. *l.* <sup>29-29</sup> from *l.* *r.* <sup>30</sup> has &c.  
<sup>31-31</sup> from *l.* *r.* <sup>32</sup> *γ has &c.* <sup>33</sup> Latrocinis. *r.* <sup>34</sup> Reported by *γ*. *l.* *r.* Text from *γ* collated with the others. Proper names from E. R. <sup>35-35</sup> *r. abt se.*





certain cart drawn by two horses across a running stream within the borough of Wingham: and, the aforesaid John being asleep, the cart overturned in the said stream and fell upon the aforesaid John, who was straightway killed. The first finder comes and is in no way suspected; neither is any other; so judgment of misadventure. John Cobbe, one of the neighbours, did not come, and was attached by H. at Brook and Thomas of Reigate. So he remains in mercy. The cart and horses are valued at thirty-three shillings and fourpence, for which the sheriff is answerable. The township of Wingham falsely appraised the deodand and, therefore, let it be in mercy; and the aforementioned Robert took the aforementioned cart and horses without warrant. So let him, too, be in mercy.

As John the son of Stephen Vicary, being of the age of fourteen years, was crossing the bridge at Medmelle he fell from the said bridge into the water, and was carried by the stream beneath the outer wheel of a certain mill, and by the same wheel was crushed so that he straightway died. The first finder comes and is not suspected, neither is any other. Judgment of misadventure. Three of the neighbours are dead; and the fourth neighbour, H. of R., comes not, and is not suspected. He was attached by A. of C. and B. of C., and so these be in mercy. The value of the wheel is three shillings and sixpence, for which the sheriff is answerable. The twelve falsely appraised the aforesaid deodand; so they, too, are in mercy.

Henry the parker, taken for having stolen twenty-two sheep that were in the fold of Nigel of Wheatacre in the town of Waltham, comes, and, being asked how he will acquit himself thereof, says that he is a clerk, and cannot thereof there make answer. And upon this comes W., the rector of the church of St. Alphege, and John, vicar of the church of St. Dunstan, commissaries etc., and they crave him, the said Henry, as a clerk. And so let the truth of the matter be inquired into by the country, that it may be found in what sort the said Henry should be delivered to them. The jurors of the hundred of Peckham upon their oath declare that the aforesaid H. is guilty of the aforesaid stealing; and because the aforesaid H. is indicted of several other trespasses and felonies in divers hundreds committed, he is sent back to prison; and an inquiry is ordered as to his chattels in the hundred of Stowting.

A certain unknown malefactor lodged with one Roger of St. Clare



Seynteler in Borgo de Cokering & <sup>1</sup>dictum R. <sup>1</sup>noctanter occidit & statim<sup>2</sup> fugit nescitur quis fuit nec ubi<sup>3</sup> devenit nulla Englescheria presentatur <sup>4</sup>Judicium murdrum<sup>5</sup> super hundredum<sup>6</sup> Rogerus le Webbe<sup>6</sup> primus inventor venit & non male creditur & <sup>7</sup>Ricardus Brutus<sup>8</sup> unus vicinorum,<sup>9</sup> non venit nec malecreditur & fuit atachiatus<sup>10</sup> per H. <sup>11</sup>le Webbe<sup>11</sup> & G. de C.<sup>12</sup> ideo ipsi<sup>13</sup> in misericordia & quia R. le Kyng falso se presentavit vicinum Ideo ipse in misericordia per plegios Rogeri <sup>14</sup>le Webbe &c.<sup>14</sup>

<sup>15</sup> Thomas de Burne<sup>16</sup> & Johannes<sup>17</sup> filius Johannis Wace de Cantuaria Thomas Beane<sup>18</sup> & <sup>19</sup>Willelmus <sup>20</sup>Serviens Prioris sancti Gregorii Cantuarie<sup>21</sup> obliaverunt Henrico de Lexelane<sup>22</sup> in Borgho de Westgate<sup>23</sup> & in ipsum<sup>24</sup> insultum fecerunt <sup>25</sup>vulneraverunt et<sup>25</sup> occiderunt & predictus<sup>26</sup> T. de Burne<sup>27</sup> statim se posuit in ecclesia<sup>28</sup> Sancti Alphegii Cantuarie<sup>29</sup> et ibi cognovit se occidisse predictum H.<sup>30</sup> & abjuravit regnum coram coronatore &c. Catalla ejus ij s. unde vicecomes respondeat & predictus Johannes<sup>31</sup> &c.<sup>32</sup> alias captus fuit<sup>33</sup> coram Johanne Frisingfelde & <sup>34</sup>Willelmo de Goldynton<sup>35</sup> justiciariis &c. ad gaolam deliberandam<sup>35</sup> suspensus fuit catalla ejus vj d.<sup>36</sup> unde vicecomes respondeat & <sup>37</sup>predictus Thomas fugit & manet<sup>37</sup> in patria ideo capiatur & predictus Willelmus &c.<sup>38</sup> fugit & malecreditur. Ideo exigatur<sup>39</sup> et utlagetur.<sup>39</sup> Nulla habuit catalla sed <sup>40</sup>fuit de<sup>40</sup> manupastu dieti prioris, ideo ipse in misericordia. Postea venit predictus Thomas<sup>41</sup> &c.<sup>42</sup> & quesitus qualiter se velit acquietare <sup>43</sup>de morte predicti Henrici<sup>43</sup> dicit quod ipse alias coram J. de Frisingfelde & sociis suis &c. acquietatus fuit<sup>45</sup> de

<sup>1-1</sup> predictus Rogerus, v. <sup>2</sup> from  $\delta$ , v. <sup>3</sup> quo,  $\delta$ . <sup>4-4</sup> Ideo inde judicium,  $\delta$ . <sup>5</sup> v adds de R. de T. <sup>6-6</sup> v omits. <sup>7-7</sup> R. de Burgh,  $\gamma$ ; Ricardus de N.,  $\delta$ . <sup>8-8</sup> from v. <sup>9-12</sup> v omits. <sup>10-11</sup> de K.,  $\delta$ . <sup>11</sup> ipse, v. <sup>12-14</sup> de W.,  $\delta$ . <sup>15</sup> Reported by  $\gamma$ ,  $\gamma\gamma$ ,  $\delta$ ,  $\zeta$ ,  $\kappa$ , v. Text from  $\gamma$  collated with the others. Proper names from E. R. <sup>16-16</sup> Thomas Brown,  $\gamma\gamma$ ; Johannes Brun,  $\zeta$ . <sup>17-17</sup> Thomas de K., J. filius ejus, J. de W., T. de B., v. <sup>18-18</sup> Johannes filius Johannis de Cantuaria T. Bron,  $\gamma\gamma$ . <sup>19-19</sup> William & Thomas fitz William,  $\delta$ . <sup>20</sup> Thomas,  $\zeta$ . <sup>21-21</sup> de sancto Gregorio, v. <sup>22</sup>  $\gamma\gamma$ ,  $\kappa$  omit. <sup>23-23</sup>  $\gamma\gamma$ ,  $\zeta$ ,  $\kappa$  omit. <sup>24</sup> Westerham,  $\delta$ . <sup>25-25</sup> in B. & ipsi, v. <sup>26-26</sup> in vulnerando,  $\gamma\gamma$ ,  $\kappa$ ; & in ipsum vulnerando,  $\delta$ ; in verberando,  $\zeta$ ; & ipsa in vulnerando, v. <sup>27-27</sup>  $\gamma\gamma$ ,  $\zeta$ ,  $\kappa$ , v omit. <sup>28-28</sup> T. Broun,  $\gamma\gamma$ ,  $\kappa$ ; Thomas Beure,  $\zeta$ . <sup>29-29</sup> tati,  $\gamma\gamma$ ,  $\zeta$ ,  $\kappa$ . <sup>30-30</sup> Henricum,  $\gamma\gamma$ ,  $\kappa$ . <sup>31</sup> Johannes filius Johannis,  $\gamma\gamma$ ,  $\kappa$ ; Thomas filius Johannis Wace,  $\zeta$ . <sup>32</sup> filius Johannis Wace,  $\delta$ . <sup>33-33</sup> et alii capti fuerunt et, v. <sup>34-34</sup> sociis suis,  $\gamma\gamma$ ,  $\delta$ ,  $\zeta$ ,  $\kappa$ . <sup>35</sup>  $\zeta$ , v add assignatis;  $\zeta$  adds in comitatu Cantuariense. <sup>36</sup> v d.,  $\kappa$ . <sup>37-37</sup> T. Bron statim post factum fugit et est manens,  $\gamma\gamma$ ;  $\zeta$ ,  $\kappa$ , read similarly, giving the fugitive's name as Johannes Brun and T. Beure respectively; T. de K. statim post factum fugit et malecreditur et est manens, v. <sup>38-38</sup> serviens prioris de sancto gregorio statim,  $\gamma\gamma$ ,  $\zeta$ ,  $\kappa$ , E. R. <sup>39-39</sup> from  $\gamma\gamma$ ,  $\zeta$ ,  $\kappa$ , v; &c.,  $\gamma$ . <sup>40-40</sup> from all the other texts, and E. R.; there is an ink-blot on the text of  $\gamma$ . <sup>41</sup> T. Bron,  $\gamma\gamma$ ; Johannes Brun,  $\zeta$ ; T. Beure,  $\kappa$ ; Thomas Beane, E. R. <sup>42</sup>  $\gamma\gamma$ ,  $\kappa$  omit. <sup>43-43</sup> from  $\zeta$ ;  $\gamma\gamma$ ,  $\kappa$ , have similar readings, but substituting *Johannis* and *hominis* respectively for *Henrici*. The blot conceals the words in  $\gamma$ . <sup>44</sup>  $\zeta$  omits from here to note 1, p. 71.



in the borough of Cokering, and the said R. by night did slay, and straightway fled. It is not known who he was, nor what has become of him. Englishry was not presented. Judgment of murder against the hundred. Roger the weaver was the first finder; and he comes and is not suspected. Richard Bruty, one of the neighbours, does not come and is not suspected. He was attached by H. the weaver and G. of C.; and so these be in mercy; and because R. King falsely represented himself as one of the neighbours, let him, too, be in mercy, with Roger the weaver etc. as his pledges.

Thomas of Bourne and John the son of John Wace of Canterbury, Thomas Beane, and William, a servant of the Prior of St. Gregory's at Canterbury, met one Henry of Lex-lane in the borough of Westgate; and him, the said Henry, did attack and wound and slay. And the aforesaid Thomas of Bourne straightway took refuge within the church of St. Alphege at Canterbury; and there, in the presence of the coroner, did confess that he had slain the aforesaid H., and did abjure the realm. His chattels are valued at two shillings, for which the sheriff is answerable. And the aforesaid John etc. was at other time taken before John Frisingfield and William de Goldinton, Justices etc. for delivering the gaol, and was hanged. His chattels were appraised at sixpence, for which the sheriff is answerable. And the aforesaid Thomas<sup>1</sup> fled and is at large within the country. Therefore let him be taken. And the aforesaid William etc. fled and is suspected. Therefore let him be exacted and outlawed. He had no chattels, but was in the mainpast of the aforesaid Prior, so the said Prior is in mercy. Afterwards came the aforesaid Thomas etc., and, being asked how he will acquit himself of the death of the aforesaid Henry, says that at another time, before J. de Frisingfield and his fellows etc., he

<sup>1</sup> *sc.* Thomas Beane. The order regarding him is merely that he be arrested, while William is to be exacted and outlawed. The reason for the difference is

that the jurors say that they 'suspect' William, while they make no such return as to Thomas.



morte predicti Henrici <sup>1</sup>de Hotone,<sup>2</sup> et de hoc vocat recordum rotulorum de acquietancia predicta ad warrantizandum.<sup>3</sup> Ideo <sup>4</sup>mandatur eidem Johanni<sup>5</sup> quod venire faciat<sup>6</sup> recordum<sup>7</sup> &c.<sup>7</sup> & postea compertum est per rotulos<sup>8</sup> coronatoris quod Alicia<sup>9</sup> que fuit uxor predicti H. fuit <sup>10</sup>prima inventrix<sup>11</sup> & consensiens morti <sup>11</sup>predicti Henrici.<sup>11</sup> Ideo capiatur. Postea predicta Alicia<sup>9</sup> venit & quesita qualiter <sup>12</sup>vellet se de morte predicti Henrici se acquietare<sup>12</sup> dicit quod ipsa alias coram <sup>13</sup>J. de Frisyngfelde & sociis suis<sup>13</sup> acquietata fuit &c. <sup>14</sup>& inde vocat recordum.<sup>14</sup> Ideo mandatum est ei quod venire faciat<sup>15</sup> hic recordum rotulorum<sup>16</sup> de acquietancia predicta.<sup>17</sup> Et sunt catalla Johannis<sup>18</sup> filii Johannis<sup>19</sup> &c. xij d.<sup>20</sup> unde vicecomes respondet <sup>21</sup>& quia<sup>22</sup> Hamo le Webbe<sup>23</sup> false se presentavit vicinum ideo ipse in misericordia <sup>24</sup>per plegium W. Webbe<sup>25</sup> & quia Hamo <sup>26</sup>de Beraci<sup>26</sup> coronator false dixit <sup>27</sup>quod predictus Thomas Beane subtraxit se cum nunquam se subtraxit<sup>28</sup> ideo ad iudicium de eo, <sup>29</sup>& quia Borgha de <sup>30</sup>Tunford & Rissebourne<sup>30</sup> tunc non venit plene ad inquisitionem coram coronatore ideo<sup>31</sup> in misericordia.

<sup>32</sup> Willemus Bagard Alexander le Borch pelliparius de Cantuaria Robertus de Bery et Willelmus Dunning garciones David Pelliparii de Cantuaria ceperunt Ricardum de Vions de comitatu Leycestrie in Borgha de Herelaldoune & ipsum vulneraverunt & <sup>33</sup>statim obiit. & <sup>34</sup>omnes iij statim<sup>34</sup> fugerunt & malecreduntur Ideo exigantur &c nulla habent catalla quia vagantes nulla Englescheria<sup>35</sup> presentatur Ideo &c. Primus inventor & iij vicini veniunt & non malecreduntur <sup>36</sup>Radulfus atte Bleen<sup>36</sup> unus vicinorum non venit & atachiatus fuit per &c. Ideo ipsi in misericordia <sup>37</sup>& W. Gernoun falso se presentavit vicinum Ideo in misericordia Plegius L. de C. & quia xii nullam fecerunt mencionem de inventore nec de vicinis in rotulis suis Ideo ad iudicium de eis.<sup>37</sup>

<sup>1-2</sup> from  $\delta$ . <sup>2-3</sup> from  $\gamma\gamma$ ,  $\zeta$ ,  $\kappa$ . <sup>3</sup>  $\gamma$  has et inde vocat rotulos \* \* \*.  
(Missing words concealed by blot.) <sup>4-5</sup>  $\delta$  omits. <sup>4-4</sup> preceptum est eis,  $\gamma\gamma$ ,  $\kappa$ .  
<sup>6</sup> faciant,  $\gamma\gamma$ ,  $\kappa$ . <sup>6</sup>  $\gamma\gamma$  adds rotulorum de acquietancia predicta;  $\gamma$  adds rotulorum  
hic ad quietandum predictum T. <sup>7</sup> recordum rotulorum,  $\gamma\gamma$ ,  $\kappa$ . <sup>9</sup> Claricia,  
 $\gamma\gamma$ ,  $\delta$ ,  $\zeta$ ,  $\kappa$ , r, E. R. <sup>10-10</sup> primus inventor,  $\gamma\gamma$ ,  $\kappa$ . <sup>11-11</sup> from  $\gamma\gamma$ ,  $\zeta$ ,  $\kappa$ . <sup>12-12</sup> from  
 $\gamma\gamma$ ,  $\zeta$ ,  $\kappa$ ; &c.,  $\gamma$ . <sup>13-13</sup> iusticiariis domini regis &c.,  $\zeta$ ; iusticiariis predictis, v.  
<sup>14-14</sup>  $\gamma\gamma$ ,  $\zeta$ ,  $\kappa$ , omits. <sup>15</sup> faciant,  $\gamma\gamma$ ,  $\kappa$ . <sup>16-16</sup> from  $\delta$ . <sup>17-17</sup> recordum,  $\zeta$ .  
<sup>18</sup> Thome,  $\zeta$ . <sup>19</sup>  $\delta$ ,  $\zeta$ ,  $\kappa$  add Waco;  $\gamma\gamma$  adds Vache. <sup>20</sup> vi d.,  $\gamma\gamma$ . <sup>21-21</sup> v.  
omits. <sup>22</sup>  $\gamma\gamma$ ,  $\kappa$  omits. <sup>23</sup> Welkes,  $\gamma\gamma$ ,  $\kappa$ ; Bekki,  $\zeta$ . <sup>24-24</sup>  $\zeta$  omits. <sup>25-25</sup> et  
plegiu talis et talis,  $\gamma\gamma$ ,  $\kappa$ . <sup>26-26</sup> Prace,  $\gamma\gamma$ ; Bernard,  $\delta$ ; Brace,  $\kappa$ ; Benatore, v;  
de Beracio, E. R. <sup>27-27</sup> T. Bron fugisse,  $\gamma\gamma$ ; cum fugisse,  $\kappa$ . <sup>28-28</sup> Et  
quia borusaldres talis ville tunc non venerunt ad inquisitionem Corone sicut venire  
deberent et ideo ipsi,  $\gamma\gamma$ :  $\kappa$  has the same reading, except that *coronatoris* is sub-  
stituted for *corone*. <sup>29-29</sup> Corrected from E. R. <sup>30</sup> Reported by  $\gamma$ ,  $\delta$ , v. Text from  
 $\gamma$  collated with the others. Proper names from E. R. <sup>31</sup> v adds ipsum verbera-  
verunt ita quod statim. <sup>32-32</sup> et predictus W. et A. de R. et A. post mortem.  
<sup>33</sup> v ends here. <sup>34-34</sup> Radulfus atte Bleen, v; Ricardus Bleen,  $\delta$ ; Johannes, E. R.  
<sup>35-35</sup>  $\delta$  omits.





was acquitted of the death of the aforesaid Henry of Hutton, and of this he vouches to warranty the record of the rolls touching such acquittal. So word is sent to the aforesaid John that he send hither the record etc. And afterwards it is found from the coroner's rolls that Alice, that was the wife of the aforesaid H., was the first finder, and was consenting to the death of the aforesaid H. So the court orders her to be taken. Afterwards comes this same Alice; and, asked how she will acquit herself of the death of the aforesaid Henry, says that at other time, before J. de Frisingfield and his fellows, she was acquitted etc., and thereof she vouches the record. So word is sent to the said J. de Frisingfield that he have the record in the rolls touching this acquittal sent hither. The chattels of John the son of John etc. are valued at twelve pence, for which the sheriff is answerable. And because Hamo the weaver falsely represented himself to be one of the neighbours, it is ordered that he be in mercy, with W. the weaver as his pledge; and because Hamo of Bareacre, the coroner, falsely said that the aforesaid Thomas Beane absconded, when in truth the said Thomas Beane had never absconded, to judgment with him thereof; and because the boroughs of Tunford and Rushbourne did not fully come to the inquest holden before the coroner they shall be in mercy.

William Bagard, Alexander Birch that was a furrier of Canterbury, Robert of Berry Court, and William Dunning, that were workmen of David the furrier of Canterbury, did, within the borough of Harbilton, lay hands upon Richard of Vions in the county of Leicester, and him did beat and wound, so that immediately he did die. And all the three aforesaid did straightway flee, and they are suspected. So it is ordered that they be exacted etc. They have no chattels, being vagrants. Englishry is not presented, therefore etc. The first finder and three of the neighbours come, and are not suspected. John Ralph at Blean, one of the neighbours, comes not, and he had been attached by etc. Therefore these are in mercy. W. Gernown falsely represented himself as a neighbour, so he is in mercy and L. of C. is his pledge. And because the twelve made no mention of finder or of neighbours in their rolls, therefore to judgment of them.



Abjuratio.

<sup>1</sup> Egidius de Cokeryng<sup>2</sup> & Ricardus Carleman<sup>3</sup> contenderunt simul<sup>4</sup> in Burgho de Tonyford<sup>5</sup> & idem E. predictum R. cum baculo percussit in capite ita quod statim obiit & dictus E. fugit ad ecclesiam Sancti Dunstani Cantuarie & ibi cognovit factum predictum & <sup>6</sup>abjuravit regnum &c Catalla ij s. unde vicecomes respondet & xij falso<sup>7</sup> conclaverunt catalla predicta. Ideo ad iudicium de eis & Borgha de Hakyentone non cepit ipsum. Ideo ad iudicium de ea.

<sup>8</sup>Willelmus le Gardiner de Shotindon<sup>9</sup> de parochia de Chilham <sup>10</sup>venit de Cantuaria versus Meletone <sup>11</sup>in Borgha de Cokerynge<sup>11</sup> & obviando Johanni le Bred ipsum insultando<sup>12</sup> cum quadam securi percussit ita quod statim <sup>13</sup>obiit & predictus W. statim<sup>13</sup> captus & imprisonatus<sup>14</sup> & coram H. Spigurnel & sociis suis justiciariis ad gaolam &c suspensus fuit catalla ejus vj d. unde vicecomes respondet prius inventor & ij vicini obiti <sup>15</sup>et <sup>16</sup>Ricardus Brutyn & T. de Beraero<sup>16</sup> ii vicinorum non veniunt nec malecreduntur & atachiati fuerunt per <sup>17</sup>&c Ideo &c.<sup>17</sup> Borgha de Cokerynge & Herewich non venerunt plene ad inquisitionem coram coronatore Ideo in misericordia.

<sup>18</sup>Edmundus de Chelemersford & Johannes de Spekynton<sup>19</sup> hostitaverunt se simul<sup>20</sup> ad domum Henrici <sup>21</sup>Wernoun de Beteshano<sup>21</sup> in borgha de Herbaldoun & mota contencione inter eos predictus E. dictum J. quodam cultello percussit ita quod iij die obiit & habuit jura ecclesiastica & predictus E. statim <sup>22</sup>post factum<sup>22</sup> captus fuit & imprisonatus ad Meydenston in custodia archiepiscopi Cantuarie Ideo respondeat custos &c. iij vicini veniunt & non malecreduntur &c quartus vicinus obiit & quia compertum est per rotulos Coronatoris quod homines istius hundredi non venerunt ad proximum comitatum post feloniam factam ad presentandum prout deberent Ideo ad iudicium <sup>23</sup>de hundredo.<sup>23</sup>

<sup>24</sup>Jurati presentant quod Radulphus de Pising<sup>25</sup> nuper ballivus de

<sup>1</sup> Reported by  $\gamma$ ,  $\delta$ ,  $\epsilon$ . Text from  $\gamma$  collated with the others. Proper names from E. R. <sup>2</sup> Cokynz,  $\delta$ ; Kokering,  $\epsilon$ . <sup>3</sup> Cayleman,  $\delta$ ; de Carman,  $\epsilon$ . <sup>4</sup> ad invicem,  $\epsilon$ . <sup>5</sup> Swaynsford,  $\delta$ ; Thilford,  $\epsilon$ . <sup>6</sup>  $\delta$ ,  $\epsilon$  *add* coram coronatore. <sup>7</sup>  $\nu$  omits. <sup>8</sup> Reported by  $\gamma$ ,  $\delta$ ,  $\epsilon$ . Text from  $\gamma$  collated with the others. Proper names from E. R. <sup>9</sup> Sobynton,  $\gamma$ ; Sibintone,  $\delta$ . <sup>10-11</sup>  $\nu$  omits. <sup>12-13</sup> from  $\delta$ ,  $\epsilon$ . <sup>14-15</sup>  $\nu$  omits. <sup>16</sup>  $\nu$  ends here. <sup>17</sup>  $\delta$  omits. <sup>18-19</sup> A. et B.,  $\delta$ . <sup>20-21</sup> A. E. et D. *ideo ipse (sic) in misericordia*,  $\delta$ . <sup>22</sup> Reported by  $\gamma$  and  $\delta$ . Text from  $\gamma$  collated with  $\delta$ . Proper names from E. R. <sup>23-24</sup> E. de S. & J. de Spilentone,  $\gamma$ . <sup>25-26</sup> A. de B. et C. *deospitaverunt ad invicem*,  $\delta$ . <sup>27-28</sup> de,  $\epsilon$ ,  $\delta$ . <sup>29-30</sup> from  $\delta$ . <sup>31-32</sup>  $\delta$  omits. <sup>33</sup> Reported by  $\gamma$  and  $\delta$ . Text from  $\gamma$  collated with  $\delta$ . Proper names from E. R. <sup>34</sup> R. Pising,  $\gamma$ ; R. Rysing,  $\delta$ .



Giles of Cokeryng and Richard Carleman were quarrelling together in the borough of Tunniford, and the aforesaid E. the aforesaid R. upon the head with a certain bludgeon did strike, so that he, the said R., did immediately die. And the aforesaid E. did flee to the Church of St. Dunstan in Canterbury, and there did make confession of the premises, and did make abjuration of the realm. His chattels are worth two shillings, and for this is the sheriff answerable. The twelve fraudulently made concealment of the aforesaid chattels, therefore to judgment of them. And the borough of Hackington did not take the aforesaid E., therefore to judgment of the said borough.<sup>1</sup>

ABJURATION.

As William the gardener of Shottenden in the parish of Chilham was going from Canterbury to Milton he met John Brett within the borough of Cokering and him did assault and with a certain axe did strike, so that the said John did straightway die; and he, the said William, was straightway taken and put in prison, and before H. Spigurnel and his fellow Justices of Gaol Delivery was hanged. His chattels were valued at sixpence, for which the sheriff is responsible. The first finder and two of the neighbours are dead; and Richard Brutyn and T. of Beracre, the other two neighbours, did not come and were not suspected. They were attached by etc. Therefore etc. The boroughs of Cokering and Harwich did not come fully to the inquest before the coroner; so they are in mercy.

Edmund of Chelmsford and John of Spekyngton, who were lodging together in the house of Henry Wernounde of Betsham in the borough of Harbledown, quarrelled with each other, and the aforesaid E. the aforesaid J. did strike with a certain knife, so that on the fourth day thereafter he died, after having received the rites of Holy Church. And the aforesaid E. was immediately after doing as aforesaid taken and imprisoned at Maidstone in the custody of the Archbishop of Canterbury. So the guardian [of the temporalities] is answerable<sup>2</sup> etc. Three of the neighbours came, and are not suspected etc. The fourth neighbour is dead. And it is found by the coroner's rolls that the men of the hundred did not come to the county court immediately after the commission of the felony to present such felony as they were in duty bound to do, therefore to judgment of the hundred.

The jurors present that Ralph of Pising, lately bailiff of the lathe

<sup>1</sup> We must suppose that the crime was committed in the day-time; otherwise there was no legal obligation upon the borough of Hackington to take E.

But see *Introduction*, p. lxxi.

<sup>2</sup> This probably means that E. escaped from gaol.



lasto Sancti Augustini arestavit ij quarteria frumenti de blado Hamonis de Lorekyn<sup>1</sup> ad opus domini regis & <sup>2</sup>ostium ipsius<sup>2</sup> H. sigillavit non permittendo predictum H. in domum suam intrare quousque idem H. secum finem fecit pro xl d. Ideo preceptum est vicecomiti quod venire faciat eum &c. Postea venit idem R. & dicit quod dictum frumentum non arestavit nec domum ipsius H. sigillavit nec <sup>3</sup>aliquos denarios<sup>3</sup> de eo cepit & hoc petit quod inquiretur. Et Jurati istius hundredi<sup>4</sup> dicunt quod predictus R. <sup>5</sup>de nullo est culpabilis sed<sup>5</sup> quidam Willelmus Reperose<sup>6</sup> subballivus ejus dictum frumentum arestavit & dictos denarios de eo cepit dicto Radulfo nesciente nec aliquid <sup>7</sup>inde recipiente<sup>7</sup> Ideo quo ad hoc quietus & ad judicium de xij pro variancia presentacionis & quia Hamo de Lorekyn<sup>8</sup> unus de xii versus quem transgressio predicta facta fuisse debuisset coram justiciariis cognovit quod predictus Willelmus predictam transgressionem ei fecit & non predictus Radulfus. Ideo ipse in misericordia. <sup>9</sup>Et sic patet quod ipse H. bis punitur pro una re.<sup>9</sup>

<sup>10</sup>Jurati presentant<sup>11</sup> quod <sup>12</sup>Johannes filius Ricardi Fabri de <sup>13</sup>Sancto Dunstano<sup>14</sup> Johannes dictus Phelipot<sup>15</sup> de Westgate & Willelmus Bate arestaverunt<sup>16</sup> ij extraneos transeuntes in Borgha de Westgate cum bonis & catallis suis <sup>17</sup>et eos<sup>17</sup> detinuerunt per unum diem & unam noctem & postea permisierunt eos abire retinendo bona & catalla<sup>18</sup> ad valorem<sup>19</sup> iij s.<sup>20</sup> et ob. Ideo preceptum est vicecomiti quod venire eos faciat &c. postea veniunt<sup>21</sup> predicti <sup>22</sup>Johannes Phelipot & Willelmus Bate<sup>22</sup> & dicunt quod <sup>23</sup>in nullo sunt culpabiles &c. Jurati istius<sup>23</sup> hundredi dicunt <sup>24</sup>super sacramentum suum<sup>24</sup> quod predicti <sup>25</sup>J. & W. Burghalders<sup>25</sup> arestaverunt predictos extraneos <sup>26</sup>et bona et catalla sua<sup>26</sup> versus eos retinendo <sup>27</sup>& ipsos detinuerunt<sup>27</sup> per unam horam diei & tunc eos<sup>28</sup> abire permisierunt querendos<sup>29</sup> warantum suum <sup>30</sup>de bonis et catallis predictis<sup>30</sup> Ideo ipsi <sup>31</sup>custodiuntur & respondeat vicecomes de eisdem denariis eo quod vicecomes carceatur.<sup>32</sup>

<sup>1</sup> leuf Kyng, *δ*. <sup>2-5</sup> hostium domus, *δ*. <sup>2-3</sup> from *δ*; *γ* has aliud. <sup>4-5</sup> *δ* omits. <sup>6-5</sup> ullos (sic) denarios ab ipso H. cepit et petiit quod inquiretur quod, *δ*. <sup>6</sup> Riperonis, *γ*; Ripois, *δ*. <sup>7-7</sup> proficuum ad opus suum recipiente, *δ*. <sup>8</sup> Lorek, *γ*; Lonokyn, *δ*. <sup>9-9</sup> from *δ*. <sup>11</sup> Reported by *γ*, *γγ*, *κ*, *ν*. Text from *γ* collated with the others. Proper names from E. R. <sup>12-11</sup> Item presentatum, *γγ*, *κ*. <sup>12-11</sup> J. de B. et G. de T. arestaverunt, *ν*. <sup>13-11</sup> from *γγ*; C. J., *γ*. <sup>14-13</sup> From E. R. *Philippus* in all reports. <sup>15</sup> *γγ* omits. <sup>16-11</sup> *γγ* omits. <sup>17</sup> *γγ*, *κ*, *ν* add sua. <sup>18</sup> valenciam, *γγ*, *γ*, *ν*. <sup>19</sup> ij s., *γγ*, *ν*. <sup>20</sup> venerunt, *γγ*, *κ*, *ν*. <sup>21-21</sup> J. & W., *γ*; Johannes et W., *γγ*; Johannes filius Johannis Fabri et Johannes Phelipes et Willelmus Bate, *κ*; J. et B., *ν*. <sup>22-20</sup> Nullos homines arestaverunt ut predictum est et de hoc ponunt se super patriam et Juratores illius, *γγ*, *κ*, *ν*. <sup>23-21</sup> from *γγ*, *κ*, *ν*; &c., *γ*. <sup>24-21</sup> Johannes et W., *γγ*; Phelipes et Willelmus Bate tunc Burghalders, *κ*; etc. tunc in W., *ν*. <sup>25-21</sup> from *γγ*, *κ*, *ν*; bona &c., *γ*. <sup>26-27</sup> et eos retinuerunt, *γγ*, *κ*; *ν* omits. <sup>27</sup> ipsos, *γγ*, *κ*, *ν*. <sup>28</sup> querendo, *γγ*, *ν*. <sup>29-30</sup> from *γγ*, *κ*, *ν*; &c., *γ*. <sup>30-27</sup> responderunt vicecomiti Cantuario, *γγ*; sunt respondentes vicecomiti de catallis predictis, *κ*, *ν*.





of St. Augustine, two quarters of wheat of the standing crops of Hamo of Lorekyn, did seize for the use of our lord the King ; and upon the door of the said H. did place seals, and did not allow the said H. to enter his own house until that with him, the said R., the said H. had made fine for forty pence. So the sheriff is bidden to have him here etc. Afterwards comes that same R. and says that the said corn he did not seize, nor did he place seals upon the door of the said H., nor any moneys from him at all did take ; and as touching all this he prays that inquest be made. And the jurors of that hundred say that of nought of all this is the aforesaid R. guilty ; but that one William Reperose, his sub-bailiff, the said corn did seize and the said moneys from the said H. did take, without the knowledge of the said R., and without any advantage accruing to the said R. therefrom. So of this is the said R. acquitted ; and to judgment of the twelve for variance of presentment. And because Hamo of Lorekyn, against whom the aforesaid trespass was alleged to have been committed, he being also one of the twelve, admitted before the Justices that it was the aforesaid William, and not the aforesaid Ralph, who had committed the said trespass against him, he is put in mercy. And so it appeareth that this same H. for one offence is punished twice.

The jurors present that John the son of Richard the smith of St. Dunstan, John, called Philpot, of Westgate, and William Bate, within the borough of Westgate two wayfaring stranger folk, together with their goods and chattels, did arrest, and them through the space of one day and one night did detain ; and that afterwards, while releasing these said men from custody, of their goods and chattels to the value of three shillings and a halfpenny they did still retain possession. So the sheriff is bidden to have them here. Afterwards come the aforesaid John Philpot and William Bate ; and they say that of nought of all this are they guilty etc. The jurors of the hundred upon their oath do say that the aforesaid J. and W., being Borsholders, did arrest the aforesaid strangers, and their goods and chattels did seize and detain ; and that after detaining the said strangers during the space of one hour of the day, them, the said strangers they did permit to go away that they might provide themselves with a warranty for their said goods and chattels. Therefore the said J. and W. are to go to prison, and the sheriff is to be answerable for the said moneys, so far as a sheriff is liable.



<sup>1</sup>Et de <sup>2</sup>predicto <sup>3</sup>Johanne filio Ricardi<sup>4</sup> dicunt quod non arestavit predictos extraneos nec aliquid versus eum retinendo de bonis predictis ideo ipse quoad hoc quietus. Et quia<sup>5</sup> predicti<sup>6</sup> Juratores<sup>7</sup> dedieunt presentationem modo<sup>8</sup> suam prius in veredicto suo factam ideo ad iudicium<sup>9</sup> et <sup>10</sup>J. et W.<sup>9</sup> fecerunt finem cum Rege.<sup>10</sup>

<sup>11</sup>Nicholaus le Bret de Romene<sup>12</sup> & Hamo frater ejus contenderunt simul in Borgha de Wenemersh<sup>13</sup> & predictus Nicholaus<sup>14</sup> vulneravit predictum H. quodam cultello ita quod post viij dies obiit & cum eum cecidisset posuit eum<sup>15</sup> in quadam Cyvera<sup>16</sup> & noctanter duxit eum in villa de Rumenale que est villa v. portuum & ibi obiit nulla Englescheria presentatur Judicium murdrum super hundredum nichil de vicecomite quia obiit infra libertatem v. portuum & idem N. statim fugit. Ideo exigatur &c nulla habet catalla sed fuit in Borgha de Wenemersh<sup>16</sup> Ideo ipsa in misericordia quia non habuit ipsum &c.

### Note from the Eyre Roll.

Postea venit dictus N. et profert cartam domini Edwardi Regis patris Regis nunc de pardonacione etc.; ut patet in rotulis de deliberacione etc. Ideo nichil de exigendo de eo.

<sup>17</sup>Willelmus Passour<sup>18</sup> & Johannes Meynard<sup>19</sup> obviaverunt <sup>20</sup>Roberto filio Ade de Wastechar<sup>21</sup> de<sup>22</sup> Hundredo de Newecherche<sup>23</sup> & mota contencione inter eos predicti W. & J. dictum R. verberaverunt<sup>24</sup> ita quod v. die sequenti <sup>25</sup>obiit in Burgha de Northency<sup>26</sup> in isto hundredo & predicti<sup>27</sup> Willelmus & Johannes <sup>28</sup>statim fugerunt.<sup>28</sup> Ideo catalla eorum confiscantur pro fuga. De catallis <sup>29</sup>eorum inquisitum<sup>29</sup> est in hundredo de Oxenc<sup>30</sup> & Johannes Maignard postea captus fuit & coram R. Brabasoun & sociis suis justiciariis ad diversas felonias & transgressiones <sup>31</sup>audiendum & terminandum assignatis<sup>31</sup> suspensus fuit pro morte predicta nulla Englescheria presentata.<sup>32</sup> Judicium murdrum super hundredum & quia xij Jurati non respondent de plegiis vicinorum ideo

<sup>1-10</sup> from  $\gamma\gamma$  collated with  $\kappa$  and  $\nu$ . <sup>2-4</sup> predictis R. Faber de S.,  $\gamma$ .  
<sup>2-3</sup> Ricardus Fabio de Sancto Dunstano,  $\kappa$ . <sup>4-5</sup> presentatores,  $\nu$ . <sup>5</sup> primi,  $\kappa$ .  
<sup>6</sup>  $\kappa$  adds modo. <sup>7</sup>  $\kappa$  omits. <sup>8</sup>  $\nu$  adds de eis. <sup>9-10</sup> Johannes P'elip'es et alius,  $\kappa$ ; Johannes et G.,  $\nu$ . <sup>11</sup> Reported by  $\gamma$  only. Proper names from E. R.  
<sup>11-12</sup> Johannes Brut,  $\gamma$ . <sup>13</sup> Weynemerstone,  $\gamma$ . <sup>14</sup> J.,  $\gamma$ . <sup>15-16</sup> in quamdam curtenam, E. R. <sup>16</sup> Weynesford,  $\gamma$ . <sup>17</sup> Reported by  $\gamma$ ,  $\gamma\gamma$ ,  $\delta$ ,  $\zeta$ ,  $\kappa$ ,  $\nu$ . Text from  $\gamma$  collated with the others. Proper names from E. R.  
<sup>18</sup> le Pastor,  $\gamma\gamma$ ; le Pescour,  $\zeta$ ; Passur,  $\kappa$ ; Passer,  $\nu$ . <sup>19</sup> de Maignard,  $\gamma$ ; Maynnard,  $\gamma\gamma$ ,  $\kappa$ ; de M.,  $\nu$ . <sup>20-21</sup> R. de H.,  $\nu$ . <sup>21</sup> Westard,  $\gamma$ ; Westware,  $\gamma\gamma$ ; Wastelure,  $\delta$ ; Wastard,  $\kappa$ . <sup>22-23</sup>  $\nu$  omits. <sup>24</sup> in,  $\gamma\gamma$ ,  $\kappa$ . <sup>25</sup> Northlete,  $\gamma$ ; F.,  $\gamma\gamma$ . <sup>26</sup>  $\delta$  adds et vulneraverunt;  $\zeta$  adds predictum Robertum. <sup>27-28</sup> etc.,  $\nu$ . <sup>29</sup> F.,  $\gamma\gamma$ ,  $\kappa$ .  
<sup>30-31</sup> fugerunt,  $\gamma\gamma$ . <sup>32-33</sup> inquirendum,  $\gamma\gamma$ ,  $\kappa$ ,  $\nu$ ; querendum,  $\zeta$ . <sup>34</sup> Oxen,  $\gamma\gamma$ ; Exone,  $\delta$ ; Oxione,  $\kappa$ ; B.,  $\nu$ . <sup>35-36</sup> from the other texts; &c.,  $\gamma$ . <sup>37</sup> facta,  $\gamma\gamma$ .



And as to the aforesaid John the son of Richard the jurors say that the aforesaid strangers he did not arrest, and that he had nought to do with the seizing and keeping of the said goods. Therefore as to all this let him go quit. And because the aforesaid jurors have in their verdict now delivered contradicted their previous presentment, to judgment of them. And J. and W. made fine with the King.

Nicholas Brett of Romney, and Hamo, his brother, were struggling with each other in the borough of Wenemarsh, when the aforesaid Nicholas the aforesaid H. with a certain knife did wound, so that on the eighth day following he, the said H., did die; and when he, the said N., the said H. had so wounded, he lifted him into a certain cart and took him therein by night to the town of Romney, that is a town of the Cinque Ports, where the said H. did die. Englishry is not presented. Judgment of murder against the hundred. The sheriff is not touched, as the said H. died within the liberty of the Cinque Ports; and the said N. straightway fled. Therefore let him be exacted etc. Chattels he had none, but he was within the borough of Wenemarsh. So this same borough is in mercy because it took him not etc.

William Passour and John Meynard met Robert the son of Adam of Wastechar in the hundred of Newchurch and, quarrelling together, the aforesaid W. and J. the said R. did beat so that on the fifth day following he, the said R., in the borough of Northeney in the said hundred, did die; and the aforesaid William and John did straightway flee. Therefore for their flight are their chattels forfeit; and of their chattels was inquest made in the hundred of Oxney. And afterwards was John Meynard taken, and before R. Brabazon and his fellow Justices assigned to hear and determine divers felonies and trespasses was hanged for the aforesaid homicide. Englishry was not presented. Judgment of murder against the hundred. And because the twelve jurors make no answer as to the pledges of the



ipsi in misericordia & <sup>1</sup>quia idem<sup>1</sup> evenit de die <sup>2</sup>in feria<sup>2</sup> ville de Rokyng<sup>3</sup> in hundredo de Neucherche<sup>4</sup> ideo inquiratur de nominibus eorum qui fuerunt presentes &c. iij vicini obiti.<sup>5</sup> Postea venit dictus Willelmus Passour & quesitus qualiter <sup>6</sup>se voluerit acquietare de morte predicti Roberti<sup>6</sup> dicit quod dominus rex pater regis nunc perdouavit ei sectam pacis sue que ad ipsum pertinet de morte predicta & etiam utlageriam <sup>7</sup>si qua in ipsum ea occasione fuerit promulgata<sup>7</sup> & firmam pacem &c. ei concessit ita quod stet recto in curia<sup>8</sup> si quis versus eum loqui voluerit pro morte predicta<sup>8</sup> per cartam domini regis patris quam <sup>9</sup>protulit &c.<sup>9</sup> & inde solempniter proclamatum est quod si quis fuerit qui nunc eum sequi<sup>10</sup> voluerit de morte predicta<sup>11</sup> & <sup>12</sup>nullus est qui versus eum sequitur. Ideo firma pax ei conceditur.<sup>13</sup>

<sup>14</sup>Jurati presentant quod Johannes ate<sup>15</sup> Grave<sup>16</sup> de Schepcio & <sup>17</sup>Johannes Cochy<sup>18</sup> furati fuerunt pecuniam<sup>19</sup> ad estimacionem l s.<sup>20</sup> in <sup>21</sup>denariis numeratis absconditis<sup>21</sup> in quodam tasso<sup>22</sup> bladi in grangia J. clerici de Middleton qui postea in presencia Borghie<sup>23</sup> de Middleton quamdam eistam <sup>24</sup>que fuit<sup>24</sup> Johannis Cochy in Middleton fecit aperiri infra quam invenit quemdam sacculum<sup>25</sup> in quo fuerunt denarii<sup>26</sup> ipsius Johannis clerici xl s. & statim lutesio levato ad sectam J. clerici predictus J. Cochy captus fuit. Postea ductus coram <sup>27</sup>Rogero de Tukton<sup>27</sup> ballivo & sectatoribus &c. coram eis in pleno hundredo <sup>28</sup>susensus fuit<sup>28</sup> & nulla habuit catalla & quia dicti sectatores<sup>29</sup> processerunt ad judicium<sup>30</sup> super latrocinio denariorum sub nullius sigillo consignatorum cum idem Johannes non erat captus super <sup>31</sup>isto latrocinio<sup>31</sup> nec<sup>32</sup> secta <sup>33</sup>ejusdem Johannis<sup>34</sup> in aliqua curia de hiis<sup>35</sup> denariis foret acceptanda<sup>36</sup> propter eorum consimilitudinem qui sunt ejusdem<sup>37</sup> fabrice per totum regnum ad proprietatem eorum probandam nec recipiendam.<sup>38</sup> Preceptum est vicecomiti quod venire faciat Rogerum<sup>39</sup> & omnes sectatores

<sup>1-1</sup> hoc, γγ, κ, ν. <sup>2-2</sup> nundinis, γγ, ζ, κ, ν. <sup>2-4</sup> de T., ν. <sup>3</sup> Rokyngham, γγ, κ, ν. <sup>4</sup> Northilet, γ, γγ. <sup>5</sup> obierunt, γγ, κ, γ. <sup>6-6</sup> from the other texts; &c., γ. <sup>7-7</sup> from the other texts; &c., γ. <sup>8-8</sup> from the other texts, ζ reading *pravitare* for *morte*; &c., γ. <sup>9-9</sup> profert et que hoc testatur, γγ, δ, ζ, κ, ν. <sup>10</sup> loqui, γγ, δ, ζ, κ; addiscere, δ. <sup>11</sup> κ omits; γγ adds *pax ei conceditur*. <sup>12</sup> κ omits. <sup>13</sup> ζ adds &c. <sup>14</sup> Reported by aa, β, γ, δ, θ, κ, κκ. Text from γ collated with aa, β, δ, κ, κκ. Proper names from E. R. <sup>15</sup> de la, κκ. <sup>16</sup> Grene, β, κ; Wend, ε. <sup>17-17</sup> δ, κκ omits. <sup>18</sup> Couche, β; Voehy, γ; Couchy, δ; Cuchi, κκ. <sup>19</sup> quandem partem denariorum, β, δ, κ. <sup>20</sup> l s., aa; xl s., β; xl. soulz, κκ. <sup>21-21</sup> pecunia innumera abscondit, β, δ. <sup>22</sup> Tassu, δ. <sup>23</sup> borghsaldri, κ, κκ, E. R. <sup>24-24</sup> qui fecit, δ. <sup>25</sup> saccum, κ. <sup>26</sup> de denariis, β; xl s. de denariis, κ. <sup>27-27</sup> Rogero Toketone, aa; Rogero Toketone, β, κ; R. de Dogetone, γ; J. de Thorindon, κκ. <sup>28-28</sup> δ omits. <sup>29</sup> δ adds ad sectam predicti Johannis clerici. <sup>30</sup> δ adds reddendum de predicto Johanni Couchy. <sup>31-31</sup> facto predicti latrocini, κ, κκ, δ. <sup>32-32</sup> κ adds ejusmodi. <sup>33-33</sup> hujusmodi secta, δ. <sup>34-34</sup> κ omits. <sup>35</sup> hujusmodi, δ. <sup>36</sup> determinanda, aa. <sup>37</sup> hujusmodi, κ; quasi unius, β, κ. <sup>38</sup> aa, β add deberent admitti; deberunt, δ; debet, κ. <sup>39</sup> Reginaldum, δ.





neighbours they are to be in mercy. And because this happened in the day time and on the market-day of the town of Ruckinge in the hundred of Newehurch, inquiry is ordered as to the names of those who were present. Four of the neighbours are dead. Afterwards comes the said William Passour; and, being questioned how he will acquit himself of the death of the aforesaid Robert, says that our lord the King, the father of the King that now is, pardoned to him the suit of his peace to him, the King, appurtenant of the aforesaid death; and outlawry as well, if it happened that such had been proclaimed against him in connection with this matter; and sure peace, etc. to him did grant, so that he abide judgment if any shall wish to make accusation against him touching the aforesaid death; and this by charter of our said lord the King, the father of the King that now is; and this charter the aforesaid William did then produce. Wherefore solemn proclamation is made that if there be any who shall wish to make any accusation against him touching the aforesaid death etc.; and none there is to prosecute him. So sure peace is granted to him.

The jurors present that John at Grave of Sheppey and John Cochy moneys to the value of fifty shillings of the property of J., clerk, of Middleton, being counted coins concealed within a certain sheaf of corn lying in the barn of the said J., did steal; and the said J. the clerk afterwards in the presence of the borough of Middleton a certain box that was the property of the aforesaid John Cochy of Middleton did cause to be opened; within which box was found a certain bag containing forty shillings of the moneys of the said John the clerk; and hue and cry being straightway raised at the suit of the same John the clerk, the aforesaid J. Cochy was taken. Afterwards he was brought before Roger of Tukton, the bailiff, and the suitors etc., and before them in full hundred was he hanged. He had no chattels. And whereas the aforesaid suitors proceeded to judgment of the larceny of coins that had not been enclosed under the seal of any, and whereas the said John had not been taken in the very act, and whereas the suit of the said John the clerk to establish property in these coins ought not to have been in any court received, seeing that all such coins are of a likeness and of the same workmanship throughout the realm, it is ordered by the court that the sheriff do bring up Roger and all the suitors etc.



&c.<sup>1</sup> Jurati malecredunt predictum J. ate Grave<sup>2</sup> de predicto latrocinio  
Ideo exigatur & utlagetur &c.<sup>3</sup>

<sup>4</sup> Rex justiciariis suis itinerantibus in comitatu Kancie salutem.  
Cum G. de Colyng rector ecclesie de B. Cantuarie diocesis presbiter  
coram Johanne Frisyngfelde & sociis suis justiciariis nostris ad felonias  
& transgressiones in comitatu Kancie contra pacem nostram factas  
audiendum & terminandum assignatis super crimine homicidii Johannis  
Bounde olim facti rettatus & ad requisicionem Roberti quondam archi-  
episcopi per eosdem justiciarios eidem archiepiscopo juxta privilegium  
clericorum prout moris est liberatus innocentiam suam super eodem  
crimine coram eodem archiepiscopo legitime purgavit sicut idem  
archiepiscopus per litteras suas patentes nobis significavit per quod  
precepimus vicecomiti nostro comitatus predicti quod predicto G.  
terras & tenementa bona & catalla ea occasione per eundem vicecomitem  
in manu nostra capta si ea occasione & non alia in manu nostra exti-  
terunt nisi fugam fecisset occasione homicidii predicti sine dilacione  
restitueret de gratia nostra speciali & jam accepimus quod predictus  
vicecomes excusando se per presenciam vestram in partibus illis dicit  
se mandata nostra predicta absque vobis exequi non posse. Nos  
volentes predicta mandata nostra debito effectui demandari vobis  
mandamus quod vocato coram vobis vicecomite predicto si inveneritis  
ita esse & quod predictus G. fugam non fecerit occasione supradicta  
tunc ipsum vicecomitem terras & tenementa bona & catalla prefati G. ea  
occasione per ipsum vicecomitem in manu nostram capta si ea  
occasione & non alia in manu nostra existant eidem Galfrido sine  
dilacione restituere faciatis juxta tenorem mandatorum nostrorum  
predictorum. Teste me ipso &c.

<sup>5</sup> Thesauri inventi competunt domino regi & non domino libertatis  
nisi per verba specialia in facto suo "de libertatibus" contineatur &c.

Judicium  
illius qui  
convictus est  
de latrocinio  
precii viij.

<sup>7</sup> Presentatum fuit quod quidam Petrus le Shipman captus fuit cum  
"manuopere unius Rethel"<sup>10</sup> in hundredo de Middleton ad sectam  
cujusdam Thome Abbot & se posuit &c. super eundem hundredum  
quod dixit quod Rethel<sup>11</sup> furatus est<sup>12</sup> & pretii viij d. & quia non  
excedit &c. consignatur<sup>13</sup> per sectatores<sup>14</sup> prisone i mensel<sup>15</sup> in libertate

<sup>1-3</sup> et en eco cas les suyers respondrent de les deners au Roy, κκ. <sup>2</sup> Grene,  
aa, β, δ, κ. <sup>4</sup> Reported by γ only. <sup>5</sup> Note from aa, β, γ, δ, κ. Text from γ  
collated with the others. <sup>6</sup> omits. <sup>7</sup> Reported by aa, β, γ, δ, ζ, κκ. Text  
from γ collated with the others, and compared with E. R. Side note from aa.  
<sup>8-10</sup> uno rete, κκ. <sup>9-10</sup> de uno rete, aa; scilicet uno rete, β; uno rete, δ; ζ omits.  
<sup>11</sup> aa, β, ζ, omits; Retheriam, δ. <sup>12</sup> aa adds rete predictum. <sup>13</sup> Commissarius, β.  
<sup>14</sup> β adds curie. <sup>15</sup> unius mensis, β.



The jurors suspect the aforesaid J. at Grave of the aforesaid larceny ; so let him be exacted and outlawed etc.

The King to his Justices in Eyre within the county of Kent, greeting. Whereas G. of Cooling, rector of the Church of B., within the diocese of Canterbury, priest, was before John Frisingfield and his fellows, being our Justices assigned to hear and determine felonies and trespasses within the county of Kent against our peace committed, accused of the homicide of John Bound that had some time before then been slain, and whereas the said G. was, at the request of Robert, formerly Archbishop, by the said Justices to him the said Archbishop delivered in accordance with the customary privilege of clerks ; and whereas the said W. did before the said Archbishop lawfully clear himself of the guilt of the said crime, as the said Archbishop to us by his letters patent did certify, we had already, in consideration of all this, given it in charge to our sheriff of the aforesaid county that to the aforesaid G. the lands and tenements and goods and chattels that were by reason of the above mentioned accusation taken into our hand by our aforesaid sheriff, provided that by reason of that accusation only and for no other cause they had come into our hand, and that the aforesaid G. had fled not, he should without delay and of our special grace restore. Now we are informed that our aforesaid sheriff craves to be excused from carrying out our commands, reporting that, by reason of your presence within the county, he cannot apart from you give effect to our said commands. Now we, being desirous that our aforesaid commands should have their due effect, do command you to call before you our said sheriff, and if you shall find from him that the facts have been truly reported and that the aforesaid G. did not upon the aforesaid happenings take flight, then are you to cause our said sheriff the lands and tenements and goods and chattels of the aforesaid G. that were as aforesaid taken into our hand by our said sheriff, and for no other reason, to that same Geoffrey without delay to restore, in accordance with the tenor of our aforesaid commands. Witness myself etc.

Treasure-trove belongs to our lord the King, and not to the lord of the franchise, except it have been granted to him by special words in his charter of franchise contained.

Presentment was made that one Peter the shipman had been taken within the hundred of Middleton at the suit of Thomas Abbot, having in his possession a certain net ; and he put himself etc. upon the said hundred. And the said hundred found that the said Peter had stolen the net, and that it was of the value of eightpence. And seeing that the value of the net did not exceed twelvepence, the suitors ordered him,

*It is proved  
of worth that  
was con-  
victed of  
larceny to  
the value  
of eight p.*



predicta pro pena &c. & cum commorabatur ibidem<sup>1</sup> ultra mensem<sup>2</sup> fregit prisonam &c. & ideo<sup>3</sup> preceptum est vicecomiti quod venire faciat sectatores qui iudicium idem reddiderunt inde responsuros & de eo quod<sup>4</sup> ipsum ultra iij dies detinuerunt in prisona & evasio.<sup>5</sup> Iudicium<sup>6</sup> super hundredum & quia libertas fuit in manu domine regine capiatur nunc in manu domini regis.<sup>7</sup>

De clerico  
liberato  
capto cum  
manu opere.

<sup>8</sup> Presentatum fuit<sup>9</sup> quod quidam A.<sup>10</sup> captus fuit manu opere ad sectam W. et in eodem hundredo allocutus.<sup>11</sup> Ordinarius petiit eum et liberatus fuit. Ideo preceptum est vicecomiti quod venire faciat sectatores &c.

Judicium de  
sectoribus  
qui libera-  
verunt bona  
illi a quo  
rapta fue-  
runt, ex quo  
latro non  
fuit con-  
victus ad  
sectam  
suam.

<sup>12</sup> Presentatum fuit quod <sup>13</sup>Petrus de Ramestone<sup>14</sup> captus fuit ad sectam Ricardi Fraunceys pro j equo et j olla precii ix s. quos furabatur. Postmodo fregit prisonam et abjuravit regnum et liberata fuerunt catalla per sectatores curie eidem Ricardo<sup>15</sup> et quia convictus non fuit ad sectam ejus.<sup>16</sup> Ideo <sup>17</sup>preceptum est vicecomiti quod <sup>17</sup>venire faceret sectatores &c.

#### Note from Eyre Roll.

Postea venerunt predicti sectatores etc. et dicunt quod predicti equus et olla precii viijs. cum quibus predictus Petrus de R. Captus fuit liberati

Judicium de  
evasione  
quia excessit  
limites man-  
dati.

<sup>18</sup> Presentatum fuit quod <sup>19</sup>Adam le Couherde<sup>19</sup> captus fuit pro <sup>20</sup>minutis latrociniiis<sup>20</sup> in hundredo de Middleton et custos dedit ei licentiam eundi ad certam villam<sup>21</sup> et redeundi qui transiit ad aliam villam<sup>21</sup> ultra limites et ibi<sup>22</sup> inventus fuit vagabondus. Quesitum fuit a juratis si voluit evasisse qui dicunt quod sic. Ideo <sup>23</sup>adjudicatur evasio.<sup>23</sup>

Recordum  
coronatoris  
de brusura  
prisonis.

<sup>24</sup>Nota coronatores possunt recordare brusuram<sup>25</sup> prisonis &c. & per idem<sup>26</sup> recordum prisonis<sup>27</sup> debent suspendi sine responsione si causa inprisonamenti sit felonia.

<sup>1</sup> *β omits.*

<sup>2</sup> *aa adds* et postea.

<sup>3</sup> *κκ adds* videndum super hundredum.

<sup>4</sup> *aa adds* per.

<sup>5</sup> *evasisit, δ.*

<sup>6</sup> *evasio* adjudicata fuit, *β, κκ.*

<sup>7</sup> *κκ adds*

et in tali casu priso debet ad gaolam. <sup>8</sup> Reported by *aa, β, γ, δ, ζ.* Text from *γ* collated with *aa, β,* and *ζ.* Side note from *β.*

<sup>9</sup> Nota, *ζ.*

<sup>10</sup> *β adds*

clericus. <sup>11</sup> *ζ adds* dixit quod clericus fuit et.

<sup>12</sup> Reported by *aa, β, γ, δ, ζ, κ, κκ.*

Text from *γ* collated with the others, and compared with E. R. Side note from *β.* Proper names from E. R. <sup>13</sup> *Willelmus de Ramstone, γ;* quidam Petrus de Rammesden. *κκ.*

<sup>14</sup> Ramesdone, *aa;* Ramesdene, *β;* Ramesdeen, *δ;* Ramiden, *ζ;* Rampedene, *κ.* <sup>15</sup> *κκ adds* qui sequebatur. <sup>16</sup> ejusdem Ricardi, *κ.*

<sup>17</sup> from *β.* <sup>18</sup> Reported by *aa, β, γ, δ, ζ, θ, κ, κκ.* Text from *γ* collated with *aa, β, δ, ζ, κ, κκ,* and compared with E. R. Side note from *β.* <sup>19</sup> *quidam*

*A., δ;* Johannes de Couhirde, *κ.* <sup>20</sup> *diversis latrociniiis, aa;* minuto latrocinio, *κκ.* <sup>21</sup> Ramesdeen, *δ.* <sup>22</sup> *ibidem, β, κ;* ille, *δ;* ubi, *κκ.* <sup>23</sup> *ad*

*iudicium, δ.* <sup>24</sup> Note from *aa, β, γ, δ, κκ.* Text from *γ* collated with *aa, β, δ.* Side note from *β.* <sup>25</sup> *brusiones, δ.* <sup>26</sup> *illud, β.* <sup>27</sup> *prisona, δ.*





in punishment of the said theft, to be imprisoned within the aforesaid liberty for the space of one month. There he stayed on beyond the month, and broke prison etc.; and so charge is given to the sheriff that he have here the suitors who rendered that same judgment to answer therefor, and for that they kept the said P. in prison for a longer time than three days, and also for the escape of the said P. Judgment was given upon the hundred, and the liberty that was in the hand of our lady the Queen is to be taken into the hand of our lord the King.

Presentment was made that one A. was taken at the suit of one W., having stolen property in his possession, and was arraigned in the same hundred. The Ordinary claimed him, and he was delivered to him. Wherefore charge is given to the sheriff that he have those suitors here, etc.

Of a clerk that was taken with stolen goods in his possession and was delivered to the Ordinary.

Presentment was made that one Peter of Ramestone was taken at the suit of one Richard Francis for that he had stolen one horse and one jar of the joint value of nine shillings. Afterwards the said P. broke prison and abjured the realm; and the said chattels were delivered by the suitors of the court to the aforesaid Richard, notwithstanding that the said P. had not been convicted at his suit. So charge is given to the sheriff that he have those suitors here etc.

Judgment of suitors who delivered stolen goods to Adam from whom they had been stolen, though the thief had not been convicted at his suit.

#### Note from Eyre Roll—continued.

fuerunt borghsaldro de Lenham ad respondendum de eisdem etc. Ideo respondet Walterus de Moristrete Borghsalder et vicecomes oneretur et predicti sectatores inde quieti etc.

Presentment was made that Adam the cowherd was taken for petty larcenies committed within the hundred of Middleton; and the keeper of the prison granted him licence to go to a certain town and to return therefrom; but the said Adam went to another town outside the limits of the hundred, and there was found vagabond. The jury were asked if he intended to escape, and they said that he did; and so judgment of escape.

Judgment of a captain, whose coat exceeded the limits of his licence.

Note that coroners can record prison-breaking etc.; and on the evidence of the same record prison-breakers may be hanged without further argument, if they were imprisoned on suspicion of felony.

A coroner may record prison-breaking.



Judicium de  
lunatico qui  
occidit se-  
ipsum.

<sup>1</sup> Presentatum fuit quod quidam lunaticus percussit seipsum cum cultello suo & postea reconvalluit<sup>2</sup> de infirmitate & habuit jura ecclesiastica & obiit ratione plage sue. Catalla non confiscantur.<sup>3</sup>

<sup>4</sup> Nota quod antiquitus<sup>5</sup> hundredum reddidit pro quolibet murthero c s. sed nunc faciunt finem communem pro<sup>6</sup> omnibus murtheris.<sup>6</sup>

Judicium de  
evasione.

<sup>7</sup> Presentatum fuit quod R. le Gas<sup>8</sup> cum comitiva sua occiderunt quemdam hominem in civitate Cantuarie & se reddiderunt ad pacem regis. Postea dominus rex Vasconia existens<sup>9</sup> misit ballivis ejusdem civitatis breve suum quod mitterent ei dictum R. cum comitiva sua qui sic<sup>10</sup> fecerunt & quia predicti ballivi mortui sunt & ballivi qui nunc sunt non habent breve &c ideo<sup>11</sup> evasio &c.<sup>11</sup> de predictis prisonis.

Judicium de  
illis qui in-  
veniant  
denarios.

<sup>12</sup> Quidam Johannes & Alicia uxor ejus convicti fuerunt quod dicta Alicia invenit vj li. & xl.<sup>13</sup> in foro de Mallyng<sup>14</sup> die fori<sup>15</sup> que quidem Alicia cum suo adulterio venit<sup>16</sup> Londiniam & ibi illos expendit denarios & quedam Alicia que fuit<sup>17</sup> ad invencionem denariorum<sup>18</sup> habuit inde ij s. pro parte sua de denariis predictis<sup>19</sup> quia maritus<sup>20</sup> nesciens inde nec culpabilis.<sup>21</sup> Ideo quietus & dicta Alicia remansit in custodia ad audiendum judicium suum quia non potuit invenire plegios & dictus adulterius & Alicia<sup>22</sup> atachiati &c.

<sup>23</sup> Impositum fuit cuidam sacerdoti quod cepisse debuit equum suum proprium qui ab eo furatus fuit una cum denariis pro illo latrocinio qui dixit quod illum equum habuit ex liberacione<sup>24</sup> ballivorum libertatis<sup>25</sup> de C. quem in curia dicte libertatis probavit esse suum qui detentus fuit nomine estray<sup>26</sup> & quantum ad denarios quod non cepit posuit se super patriam & in ferris ductus fuit ad barram. Sed liberatus a ferro<sup>27</sup> per preceptum justiciariorum &c.

<sup>28</sup> Nota quod si sacerdos vel rector facit<sup>29</sup> feloniam omnia bona

<sup>1</sup> Reported by aa, β, γ, δ, ζ. Text from γ collated with the others. Side note from β. <sup>2</sup> from β, ζ; γ has convaluit. <sup>3-3</sup> de plaga sua. Catalla ejus

confiscantur, δ. <sup>4</sup> Note from aa, β, γ, δ, κκ. Text from γ collated with the others. <sup>5</sup> aa, β, κκ omit. <sup>6-6</sup> murthero, κκ. <sup>7</sup> Reported by aa, β, γ, ζ, κ. Text

from γ collated with the others. Side note from β. <sup>8-8</sup> Quidam Rogerus Gras, β, ζ; Rogerus Gras, κ. <sup>9</sup> exiens, aa. <sup>10</sup> hoc mandatum, aa, β, κ; mandatum, ζ. <sup>11-11</sup> secundum &c. Ideo adjudicata fuit evasio, ζ. <sup>12</sup> Reported by aa, β, γ, δ, ζ, κ. Text from γ collated with the others. Side note

from β. <sup>13</sup> ix d., aa, β, κ. <sup>14-14</sup> δ omits. <sup>15</sup> adivit, aa, β, δ, ζ. <sup>16-16</sup> in adinvencione dietorum, κ. <sup>17-17</sup> aa, β omit. <sup>18-18</sup> non culpabilis et

non sciens δ, ζ; non culpabilis, κ. <sup>19</sup> Cecilia, δ, ζ. <sup>20</sup> Reported by aa, β, γ, δ, ζ, κ. Text from γ collated with the others. <sup>21</sup> deliberacione, β. <sup>22</sup> κ omits.

<sup>23</sup> extranei, aa, δ; extraneo, ζ. <sup>24</sup> ferris, β. <sup>25</sup> Note from aa, β, γ, δ (twice), ζ, κ. Text from γ collated with the others. <sup>26</sup> faciat, β.



Presentment was made that one being insane stabbed himself with his own knife. Recovering his sanity, he received the rites of the Church, and then died by reason of his self-inflicted wound. There is no confiscation of his chattels.

Judgment  
concerning  
a lunatic  
that saw  
himself.

Note that in olden times a hundred paid an amercement of a hundred shillings for each several murder, but now they make one general fine for all the murders.

Presentment was made that R. Grace, and certain who consorted with him, had killed a certain man within the city of Canterbury, and had then surrendered themselves to the King's peace. Afterwards the King, then being in Gascony, sent his writ to the bailiffs of the said city charging them to send to him the said R. and his companions ; and this they did. But those bailiffs aforesaid are now dead, and the bailiffs that be have no writ from the King, etc. Therefore there must be judgment of them for escape of the aforesaid prisoners.

Judgment  
not  
escape.

One John and Alice his wife were arraigned because that the said Alice found six pounds and tenpence in the market-place of Malling on market-day, and that the said Alice went with her avouterer to London and there the said moneys did spend. And a certain other Alice, who was present at the finding of the said moneys, had two shillings thereof for her share. The husband is found not guilty, because he had no knowledge of the matter ; therefore is he acquitted ; but the said Alice must remain in prison to hear her judgment because she cannot find pledges. And the said avouterer and Alice are attached etc.

Judgment, et  
them that  
found  
money.

It was alleged against a certain priest that he had received back his horse which had been stolen from him and had accepted a further reward in money that he might compound the felony. The priest said that he had his horse back by the deliverance of the bailiffs of the liberty of C., seeing that in the court of the said liberty he had proved it to be his, and that it had been pounded as a stray. He denied the taking of any moneys ; and he put himself on the country. He was brought to the bar in irons, but these the Justices ordered to be removed from him.

Note that if a priest or rector commit a felony all his goods are



sua confiscantur <sup>1</sup>& decime recepte<sup>1</sup> nisi in sanctuaria<sup>2</sup> fuerunt<sup>3</sup> reposite.<sup>4</sup>

De ballivo  
qui non fecit  
executionem  
iudiciorum  
iusticiariorum  
de quadam  
muliere  
dampnata.

<sup>5</sup> Nota libertas de Middleton capta fuit in manu domini regis eo quod quedam mulier dampnata fuit coram iusticiariis & liberata fuit Rogero de Tokyntone<sup>6</sup> ballivo ejusdem libertatis ad faciendam executionem inde<sup>7</sup> & ipsa evasit & ideo idem Rogeris remansit <sup>8</sup>ad voluntatem domini regis<sup>9</sup> non obstante quod dixit quod tradidit eam vj hominibus libertatis<sup>9</sup> predictae qui terras tenent ad faciendam<sup>10</sup> executionem.

<sup>11</sup> Presentatum fuit quod quedam mulier capta fuit pro feloniam & detenta in gaola castri & <sup>12</sup>a <sup>13</sup>summo muro<sup>14</sup> cecidit in fossato castri & fregit tibiam suam unde custos ejus cum hutesio eam statim cepit & <sup>15</sup>reduxit & in eadem prisoa moriebatur.<sup>16</sup> Judicium <sup>17</sup>de evasione quod tamen<sup>18</sup> ponitur in respectu.<sup>19</sup>

Judicium  
de castro  
ubi clericus  
ordinario  
deliberatur.

<sup>20</sup> Jurati presentant quod quidam B.<sup>21</sup> captus ad sectam A. pro quodam collobio ab eo furato qui posuit se de bono et malo in plena curia civitatis Cantuarie unde Jurati<sup>22</sup> dixerunt quod culpabilis fuit supervenit quidam Ordinarius petens<sup>23</sup> eum tanquam clericum & ei<sup>24</sup> liberatus fuit tanquam clericus convictus & sectatores curie liberaverunt A.<sup>25</sup> collobium predictum.<sup>26</sup> Ideo ad iudicium de deliberatione <sup>27</sup>prisonis convicti<sup>27</sup> & sectatores curie pro collobio liberato &c. in misericordia<sup>28</sup> & tamen<sup>29</sup> predictum collobium confiscatur.<sup>30</sup>

Judicium  
ubi summa  
attingit ad  
xij d. ob.

<sup>30</sup> Nota <sup>31</sup>si presentatur<sup>31</sup> quod quis<sup>32</sup> malecreditur de furto<sup>33</sup> precii x d.<sup>34</sup> vel minus capiatur & si de hoc convincatur habebit prisonam per<sup>35</sup> discrecionem iusticiariorum & tunc<sup>36</sup> si postea convincatur de ij d.<sup>37</sup> ita quod summa<sup>38</sup> in toto contineat<sup>39</sup> xij d. ob. habebit iudicium vite & membrorum.

<sup>1,1</sup> ζ omits.

<sup>2</sup> sanctuario, aa, β; sanctuari, ζ.

<sup>3</sup> aa, β, κ omit.

<sup>4</sup> recepto, aa, β; recepte, δ, ζ.

<sup>5</sup> Reported by aa, β, γ, δ, ζ, κ. Text from γ collated with the others. Side note from β.

<sup>6</sup> Thekyntone, aa; Tekyntone, β; Cokyntone, δ; Toketone, κ.

<sup>7</sup> iudiciorum, aa, β; iudicii, ζ, κ.

<sup>8</sup> de libertate, aa, β.

<sup>10</sup> δ adds ejus; ζ, ei; κ, hujusmodi.

<sup>11</sup> Reported by aa, β, γ, δ (twice), ζ, μ. Text from γ collated with aa, β, δ, ζ.

<sup>12,14</sup> ipsa assumens murum ipsius castri, δ.

<sup>15</sup> aa, β, δ, ζ add ad prisonam.

<sup>16</sup> morabitur, δ.

<sup>17,19</sup> evasio etc. ζ.

<sup>18</sup> tunc, aa, β.

<sup>20</sup> Reported by aa, β, γ, δ. Text from γ collated with the others. Side note from β.

<sup>21</sup> H., δ.

<sup>22</sup> xii, aa, β.

<sup>23</sup> qui peciit, aa, β.

<sup>24</sup> eidem ordinario, aa, β.

<sup>25</sup> sicuti, aa; sequenti, β, δ.

<sup>26</sup> aa, β add delib' prison.

<sup>27</sup> π, π' prisona convic.

<sup>28</sup> δ omits.

<sup>29</sup> nichilominus, aa, β.

<sup>30</sup> Note from aa, β, γ, δ. Text from γ collated with the others. Side note from aa.

<sup>31</sup> quod si quis presentat, δ.

<sup>32</sup> aliquis, aa.

<sup>33</sup> bonis furatis, aa, β, δ.

<sup>34</sup> aa adds maille.

<sup>35</sup> secundum, aa.

<sup>36</sup> nichilominus, aa, β.

<sup>37</sup> aa, β add plus vel minus; δ adds plur' vel minus.

<sup>38</sup> sei-sina, δ.

<sup>39</sup> attingat, δ.





confiscated, as also the tithes he has received, unless these have been put into a privileged place.

Note that the liberty of Middleton was taken into the hand of our Lord the King by reason that a certain woman who was condemned before the Justices and was delivered to Roger of Tokingham, bailiff of that same liberty, for execution, did escape; and that same Roger remained at the King's pleasure, notwithstanding that he pleaded that he had delivered the aforesaid woman to six men of the said liberty, who held their lands by the service of doing execution upon condemned prisoners.

Of a bailiff that executed not the judgment of the Court upon a woman that was condemned.

Presentment was made that a certain woman was taken for felony and was detained within the gaol of Canterbury Castle, and that she fell from the top of the wall into the Castle dyke and broke her shin-bone; whereupon the governor raised hue and cry, and the said woman did immediately take and convey back to prison, and in that same prison she did die. Judgment of escape; which, however, will be respited.

The jurors present that one B. was taken at the suit of A. for a certain jerkin from him, the said A., stolen; and that the said B. put himself upon the country in the full court of the city of Canterbury, and that the jurors of the said court said that he was guilty; and that thereupon a certain Ordinary intervened and claimed the said B. as a clerk, who was thereupon delivered to him as a convicted clerk; and that the suitors of the court delivered the said jerkin to the said A. So to judgment for the deliverance of a convicted prisoner; and let the suitors of the court be in mercy for the deliverance of the jerkin, etc.; and, further, the aforesaid jerkin is confiscate.

Judgment of a clerk where a clerk is delivered to the Ordinary.

Note that if presentment be made that one is suspected of theft to the value of tenpence or less, he is to be taken; and if of this he be convicted he shall go to prison at the discretion of the Justices; and if afterwards he be convicted of stealing to the further value of twopence, so that the whole value amount to twelpence halfpenny, he shall have judgment of life and limb.

Judgment where the sum of what has been at several times stolen exceeds both twopence and halfpenny.



Judicium de monacho liberato abbati indietato de latrocinio.

<sup>1</sup> Presentatum fuit quod quidam canonicus de B. cum aliis indietatus fuit de latrocinio<sup>2</sup> in borgha de C. commissio<sup>3</sup> & super hoc allocutus dicit quod clericus est &c unde abbas suus de B.<sup>4</sup> presens petit eum tamquam professum suum & ad hoc fuit receptus<sup>5</sup> loco ordinarii inquisicione ex<sup>6</sup> officio capta que dixit quod non est culpabilis. Ideo inde quietus & si culpabilis inveniretur ad huc dicto abbati liberaretur in domo sua imperpetuum morandus<sup>7</sup> sine purgacione.

Ubi inquiratur de homicidio in uno hundredo quo factum fuit in alio quod non potest.

<sup>8</sup> Quedam<sup>9</sup> mulier indietata coram custodibus pacis & vicecomite de homicidio facto in libertate de Wy<sup>10</sup> & inquisitio capta fuit extra villam libertatem<sup>11</sup> unde dictum fuit per justiciarios quod dicti custodes & vicecomites non<sup>12</sup> habuerunt potestatem inquirendi<sup>13</sup> de hujusmodi feloniam<sup>14</sup> sed de lutesio & bateriis & hujusmodi factis contra pacem Propterea dixerunt quod male se habuerunt de hoc quod ceperunt inquisitionem in uno hundredo de facto commissio &c in<sup>15</sup> aliena<sup>17</sup> jurisdictione<sup>18</sup> &c & eadem capta & presente<sup>19</sup> dictum fuit<sup>20</sup> per justiciarios quod ipsa expectaret<sup>21</sup> adventum justiciariorum apud Wy<sup>22</sup> quia Justiciarii non debent intrittere se de eadem libertate nisi<sup>23</sup> infra eandem sedendo & ipsa petiit quod posset mancipi<sup>24</sup> quousque &c sed justiciarii dixerunt quod non habuerunt potestatem hoc facere<sup>25</sup> & sic mansit<sup>26</sup> in prisoa.<sup>27</sup>

De muliere occidente filiam suam.

<sup>27</sup> Presentatum fuit quod quedam mulier eundo versus capitulum<sup>28</sup> peperit filiam<sup>29</sup> & abseisit<sup>30</sup> gulam<sup>31</sup> & projecit in quodam stagno<sup>32</sup> & fugiit<sup>33</sup> : <sup>33</sup> Ideo exigatur<sup>34</sup> & wayviatur.<sup>35</sup>

Judicium quando aliquis recipit bona sua ab eo furta sine iudicio curie.

<sup>36</sup> Galfridus de Culynge allocutus fuit quod cum depreddatus fuit de j. equo precii xx s. & catalla ad valorem<sup>37</sup> c s. in hundredo de Worthe<sup>38</sup> ipso percipiente &<sup>39</sup> sequabatur latrones in hundredo de Tenderden<sup>40</sup>

<sup>1</sup> Reported by aa, β, γ, ζ, κ. Text from γ collated with the others. Marginal note from β. <sup>2</sup> latrocinii, κ. <sup>3</sup> C., ζ. <sup>4</sup> C., ζ. <sup>5</sup> admissus, aa, β, ζ, κ. <sup>6</sup> de, ζ. <sup>7</sup> morandi, aa, β, κ; comorandus, ζ. <sup>8</sup> Reported by aa, β, γ, δ, ζ, κ. Text from γ collated with the others. Side note from aa. <sup>9</sup> Presentatum fuit quod quedam, ζ. <sup>10</sup> Wli, β; Wli, β; Why, ζ. <sup>11-12</sup> villam libertat<sup>1</sup>, (sic) κ; villam, ζ. <sup>13</sup> aa, β omit illam. <sup>14</sup> omnino, δ. <sup>15</sup> inquirere, aa, β, ζ. <sup>16</sup> feloniam, aa, β, κ. <sup>17-18</sup> alio hundredo, ζ. <sup>19</sup> alia, aa, β, κ; δ omits. <sup>20</sup> presens, aa, β, δ, ζ. <sup>21</sup> est ei, ζ. <sup>22</sup> aspectaverit, δ. <sup>23</sup> Why, aa; Vy, β; Why, ζ. <sup>24</sup> nec, aa; set, δ. <sup>25</sup> manumitti, ζ. <sup>26-27</sup> ideo remansit, ζ. <sup>28</sup> remansit, aa, β. <sup>29</sup> Reported by aa, β, γ, δ, ζ. Text from γ collated with the others. Side note from β. <sup>30</sup> Capellam, aa, β, δ, ζ, κκ. <sup>31</sup> γ alone follows E.R., which adds 'tentum apud Sydyngbourne.' <sup>32</sup> filium, κκ. <sup>33</sup> statim abseidit, aa, β, ζ; prociidit, δ. <sup>34</sup> β omits. <sup>35</sup> κκ omits. <sup>36</sup> statim fugit, aa, β, δ, ζ. <sup>37-38</sup> δ omits. <sup>39</sup> utlagetur, κκ; ζ adds &c. <sup>40</sup> Reported by aa, β, γ, δ, ζ. Text from γ collated with the others. Side note from aa. Proper names from E.R. <sup>41-42</sup> catallis ad valencium, aa, β; de catallis puen, ζ. <sup>43-44</sup> ipso percipiente de latrocinio sibi factis, aa, β. <sup>45</sup> latrocinio sibi facto, δ; de latrocinio facto, ζ. <sup>46</sup> Trentone, δ.



Presentment was made that a certain canon of B. was, with others, indicted for larceny committed within the borough of C. ; and upon being charged with this he answered that he was a clerk, etc. ; and thereupon his Abbot of B., being present, claimed him as one of the professed of his monastery, and the said Abbot was received to make this claim in place of the Ordinary ; and the inquest in such case provided being made, he, the said canon, was found by it to be not guilty. So let him go quit thereof. And if he had been found guilty, he would still have been delivered to the Abbot to be detained in perpetuity within the monastery without right of purgation.<sup>1</sup>

Judgment of a monk indicted for larceny, and delivered to his Abbot.

A certain woman was indicted before the custodians of the peace and the Sheriff for homicide done within the liberty of Wye, and inquest was held outside that liberty. Whereupon it was ruled by the Justices that the said custodians and Sheriff had no authority to make inquest of felonies of this kind, but only of brawlings and batteries and similar infractions of the peace. And they added that they had committed further fault in that they had held inquest in one hundred of a crime committed within another jurisdiction, etc. And when the woman had been taken and was brought up in court, she was told by the Justices that she must await the arrival of the Justices at Wye, because the Justices could not deal with matters touching that same liberty unless they were sitting within it. And the woman prayed that she might be bailed until etc., but the Justices said that they had no power to do this, and so she continued in prison.

Where inquest was made in one hundred of a homicide in another. This cannot be done.

Presentment was made that a certain woman in journeying to the Chapter gave birth to a daughter ; and, cutting its throat, threw it into a certain pond and fled. Therefore let her be exacted and waived.

Of a woman that slew her daughter.

Geoffrey of Cooling was charged that he, having had stolen from him within the hundred of Worthing a horse of the value of twenty shillings and chattels of the value of one hundred shillings, did, upon his becoming aware of such theft, follow the thieves into the hundred of

Judgment where one received back goods that had been stolen from him, and that without judgment of the Court.

<sup>1</sup> The marginal note tells us that he was a monk ; and a convicted monk was not capable of purgation.



& eos attinxit & ab illis privatim bona & catalla predicta recepit & <sup>1</sup>eos evadere permisit<sup>1</sup> &c Idem G. dicit quod in nullo est culpabilis & ponit se super hundredum, & venit ad barram cum ferris sed

STAUNTONE permisit<sup>2</sup> cum a ferro liberari cum cognovit quod ipsum equum habuit ex liberatione ballivi de W. per probacionem quam fecit in curia de W. per consensum sectatorum<sup>3</sup> qui quidem equus retentus fuit tanquam estray.<sup>4</sup>

Jurati dicunt quod equum recepit <sup>5</sup>per probacionem<sup>5</sup> ut cognovit & dicebant ipso sciente equum predictum esse furatum. Item quod de catallis predictis xl s. de<sup>6</sup> latronibus recepit.<sup>7</sup>

MUTFORD si status vester permisisset quod predones <sup>8</sup>arestare potuisses<sup>8</sup> aliud esset iudicium quam nunc.<sup>9</sup> Et quia omnia catalla furata competunt regi<sup>10</sup> nisi<sup>11</sup>ex recenti<sup>11</sup>seisina convicta &c. Iudicium<sup>12</sup> catalla confiscantur & idem ad prisonam.

Ubi aliquis  
artavit viam  
regiam.

<sup>13</sup> Presentatum fuit quod quidam terram habens juxta viam regalem arando & sibi appropriando de eadem<sup>14</sup> terram suam accevit & viam artavit.<sup>15</sup> Dicebant<sup>16</sup> etiam quod <sup>17</sup>viam illam<sup>17</sup> fodit & asportavit ad terram suam meliorandam.

STAUNTONE quia idem<sup>18</sup> non est purprestura non possumus aliud facere nisi ipsum amerciare.

Jurati ipso vadiat transeuntes super <sup>19</sup>illud incrementum<sup>19</sup> et impedit<sup>20</sup> eos.

STAUNTONE qui gravatum se sentit conqueratur <sup>21</sup>& aliter est<sup>22</sup> sine remedio.<sup>21</sup>

Ubi aliquis  
allocutus  
quod piscavit  
in vivario  
alterius.

<sup>23</sup> Thomas le Blund Rector ecclesie de Herietesham<sup>24</sup> allocutus fuit de hoc quod <sup>25</sup>debut piscasse<sup>25</sup> in vivariis Johannis Pynnynton apud E.<sup>26</sup> & piscem ibidem cepit & asportavit contra pacem & contra statutum &c. Idem<sup>27</sup> dicit quod in nullo est culpabilis &c. Jurati dicunt quod<sup>28</sup> ibidem non<sup>29</sup> piscavit sed quidam serviens

<sup>1-1</sup> paciebatur illos evadere, aa, β, δ, ζ. <sup>2</sup> precepit, aa, β, δ, ζ. <sup>3</sup> ζ adds quod illum equum habuerit. <sup>4</sup> extraneus, aa, β, δ, ζ. <sup>5-5</sup> δ omits. <sup>6</sup> clam a predictis, β, δ, ζ. <sup>7</sup> admisit, β, δ, ζ. <sup>8-8</sup> arestari potuissent, aa, β. <sup>9</sup> aa, β add est &c. <sup>10</sup> ζ omits. <sup>11-11</sup> extanti, δ. <sup>12</sup> inde, δ. <sup>13</sup> Reported by aa, β, γ, δ, ζ, κ. Text from γ collated with the others. Side note from β. <sup>14</sup> aa, β add via. <sup>15</sup> arravit, δ. <sup>16</sup> κ adds juratores. <sup>17-17</sup> ζ has a blank space here. <sup>18</sup> istud, aa, β. <sup>19-19</sup> from all the other texts. γ alone has idem intervenies. <sup>20</sup> from aa, β, ζ; γ has impetit. <sup>21-21</sup> δ omits. <sup>22</sup> erit, aa, β, κ; heres, ζ. <sup>23</sup> Reported by aa, β, γ, δ, ζ, κ. Text from γ collated with the others. Side note from aa. Proper names from E. R. <sup>24-24</sup> Magister Th. Le Blount, aa; Magister Thomas de Blount, β, κ; Magister T. de Bontone, δ; Magister Thos. de B., ζ; Quidam, v. <sup>25-25</sup> debuit piscare, ζ. <sup>26</sup> C., aa, κκ; O., β. <sup>27</sup> Thomas, aa, β, ζ. <sup>28</sup> aa, β, ζ add idem Thomas. <sup>29</sup> κ omits.





Tenterden, and there, coming up with them, did privately receive back from them his goods and chattels aforesaid, and the said thieves did allow to escape, etc. The said G. says that of nought of this is he guilty, and he puts himself upon the hundred. He comes to the bar in irons, but

STAUNTON J., permitted him to be freed from these when he found that he had had the horse back by the deliverance of the bailiff of W., with the consent of the suitors, after that he had given evidence to show that the said horse was his property, and had been detained as a strayaway.

The jurors say that he had deliverance made to him of the said horse because he gave proof of it being his property, and they say that the said horse was stolen to his knowledge; and further that he received back of the aforesaid chattels from the thieves to the value of forty shillings.

MUTFORD J. If your condition had permitted you to arrest the thieves, the court would have given a different judgment from the present one. Since all stolen goods are forfeit to the King, except the thief be shortly afterwards convicted, we adjudge these chattels to be confiscated. And Geoffrey is to go to prison.<sup>1</sup>

Presentment was made that a certain man who had land lying alongside the King's highway had ploughed into the said highway and appropriated part of it to the betterment of his own land and to the narrowing of the road. Further the jurors said that he dug up that road and carried the soil thereof away to the betterment of his own land.

Where one made the highway to be narrower.

STAUNTON J. Seeing that this does not amount to a purpresture, we can only amerce him.

*The Jury.* He takes pledges from such as pass across the ground which he has annexed, and obstructs them.

STAUNTON J. Let him who feels himself aggrieved make complaint; otherwise the matter is without remedy.

Thomas Blunt, rector of the church of Harrietsham, was charged with having fished in the stews of John Pennington at E., and with having taken and carried away fish therefrom, against the peace, etc., and against the form of the statute, etc. He says that of nought of this is he guilty, etc. The jurors say that the said Thomas did not fish in the said

Where one was presented for that he had fished in the stews of another.

<sup>1</sup> He subsequently made fine for sixty shillings.—E. R.



ejus<sup>1</sup> piscavit ibidem per dominum suum <sup>2</sup> ex licencia<sup>3</sup> uxoris ejusdem Johannis &c in ipsius Johannis absencia <sup>4</sup>Item dicunt quod idem serviens ad domum predicti Thome portavit &c.<sup>4</sup>

Judicium de eo qui formavit appellum de morte alicujus et non sequatur viz. quod caperetur.

<sup>5</sup> Quidam indietatus fuit coram coronatore de homicidio & de eodem facto quidam se atachavit sequendum<sup>6</sup> quoddam appellum versus eundem & illud coram coronatore & vicecomite &<sup>7</sup> in pleno comitatu formavit de morte ejusdam occisi versus eundem indietatum qui quidem indietatus captus<sup>8</sup> & coram Johanne de Norwoode<sup>9</sup> & sociis suis justiciariis ad gaolam &c qui coram eis allocutus de homicidio predicto super indietamentum prefatum nulla facta mencione de appello & se posuit super patriam & Jurati dixerunt quod in nullo<sup>10</sup> culpabilis Ideo quietus. Postea coram Rogero <sup>11</sup> Brabazoun<sup>12</sup> & sociis suis<sup>13</sup> alias<sup>14</sup> fuit indietatus in Traylebastoun de eodem facto & iterum captus & super hoc allocutus dicit<sup>15</sup> quod coram prefatis Johanne & sociis suis &c de eadem morte fuit quietus <sup>16</sup>& super hoc<sup>17</sup> recordum fuit quesitum & inventum<sup>18</sup> Ideo<sup>19</sup> &c. Nunc presentatur <sup>20</sup>est per xij.<sup>21</sup> de murthero<sup>22</sup> predicto & indietamento &c unde preceptum est vicecomiti capere<sup>23</sup> predictum indietatum & postea compertum fuit per rotulos coronatoris de appello prefato & quod per rotulos justiciariorum predictorum non fuit compertum quod idem appellum <sup>24</sup>fuit prosecutum.<sup>25</sup>

ORMESBI vocetur appellator.

Vocatus<sup>24</sup> non venit ideo consideratum fuit quod idem appellator caperetur & plegii sui de prosecutione in misericordia.

ORMESBI<sup>25</sup> quia vidimus quod justiciarii predicti non habuerunt noticiam istius appelli &<sup>26</sup> in hoc<sup>27</sup> curia domini regis fuit decepta eo quod dictus priso solum<sup>28</sup> allocutus fuit super indietamentum & non super appellum & in hoc fuit error<sup>29</sup> & notandum<sup>30</sup> quod Justiciarii super appellum de morte hominis<sup>31</sup> non possunt<sup>32</sup> cognoscere nisi<sup>33</sup> capitalis justiciarius<sup>34</sup> &c vel qui<sup>35</sup> speciale mandatum habent<sup>36</sup> ad hoc faciendum Ideo primum judicium nullum & idem<sup>37</sup> priso captus &

<sup>1</sup> ejusdem T., aa, β, ζ, κ. <sup>1-3</sup> ζ omits. <sup>2</sup> aa inserts ibidem. <sup>3-4</sup> from aa, β, δ, ζ, κ. γ omits. κ adds Quesiti si fuit ex licencia predicti Johannis nec nō. dicunt quod non. Ideo ad iudicium. <sup>5</sup> Reported by aa, β, γ, δ, ζ, κ. Text from γ collated with the others. Side note from β. <sup>6</sup> sequendi, β; sequendo, δ. <sup>7</sup> δ, ζ omits. <sup>8</sup> ζ omits. <sup>9</sup> Northwode, aa, β, ζ; Nortwode, ζ. <sup>10</sup> aa inserts est. <sup>11</sup> κ inserts de. <sup>12</sup> de W., δ. <sup>12-14</sup> β omits. <sup>14</sup> κ omits. <sup>15</sup> qui vocavit recordum, aa, β; qui inde vocat recordum, δ; qui inde vocat rotulos ad warrantizandum, ζ; qui inde vocavit recordum, κ. <sup>16-17</sup> ζ omits. <sup>18-19</sup> et per recordum inventum, ζ. <sup>19</sup> ζ omits. <sup>20-21</sup> ζ omits. <sup>21</sup> murthero, ζ. <sup>22</sup> quod caperet, aa, β, δ, ζ. <sup>23-24</sup> presentatur, δ. <sup>24</sup> ζ omits. <sup>25</sup> aa, β, δ, ζ. <sup>26</sup> aa inserts ideo. <sup>27</sup> κ adds fuit error. <sup>28-29</sup> κ omits. <sup>30</sup> solus, aa, β, δ, ζ. <sup>31</sup> sciendum, aa, β, δ, ζ. <sup>32</sup> Johannis, aa, β. <sup>33-34</sup> ζ omits. <sup>34</sup> et, δ. <sup>35-36</sup> justiciarii, aa, β. <sup>37</sup> quis qui per, ζ; quis qui, aa, β. <sup>38</sup> habet, β, κ; habuit, ζ. <sup>39</sup> Ideo, aa, β, δ, κ.



stews, but that a certain servant of his did fish therein for his master, by the licence of the wife of the aforesaid John, etc., in the absence of the said John. They further say that that same servant carried the fish to the house of the aforesaid Thomas.

A certain man was indicted before the coroner for homicide ; and a certain other one gave pledges to prosecute an appeal against him of that same homicide ; and before the Coroner and the Sheriff and in full County Court he counted an appeal for the slaying of a certain man against him who had been so indicted as above. This said first man, so indicted, was taken, and before John of Norwood and his fellow Justices of Gaol Delivery was charged on the aforesaid indictment with the homicide aforesaid, no mention being made of the appeal ; and he put himself upon the country. The jurors said that he was in no way guilty. Therefore he went quit. Afterwards and elsewhere, before Roger Brabazon and his fellows, he was indicted in Trailbaston upon the same facts ; and being again taken and arraigned, he says that before the aforesaid John and his fellows, etc., he had been aforetime acquitted of this same death. Thereupon the record was searched, and so it was found. Therefore, etc. Now presentment is made by the twelve of the aforesaid murder and indictment, etc. ; and charge is given to the Sheriff to take the aforesaid man who had been so indicted. Afterwards mention is found in the Coroner's rolls of the aforesaid appeal ; but there is nothing in those same rolls to show that such appeal was ever prosecuted.

ORMESBY J. Let the appellor be called.

He was called and did not answer ; and so the court ordered that that same appellor be taken, and that his pledges to prosecute be in mercy.

ORMESBY J. Since we find that the aforesaid Justices had no notice of this appeal, and that in this matter the court of our Lord the King was deceived, the prisoner being arraigned upon the indictment only and not upon the appeal, there was consequently error ; for it must be borne in mind that Justices, unless it be the Chief Justice or Justices who have a special warrant therefor, have no jurisdiction in an appeal for the death of a man. Consequently the original judgment is null and void. And the said prisoner was taken and tried for the aforesaid death

Judgment of  
of a Court  
L. 11. 1. 1. 1.  
attestations of  
the Court of  
appeals and  
not given  
cult. 11. 1. 1.  
wit. that he  
be taken.



allocutus fuit de morte predicta causa subtractionis appellatoris & non ratione indictamenti predicti.<sup>1</sup>

Ubi quis  
suspensus  
non obstante  
clerimonia  
sua.

<sup>2</sup> Jurati presentant<sup>3</sup> quod quidam de feloniam<sup>4</sup> coram justiciariis<sup>5</sup> allocutus & clericus &c & <sup>6</sup> ordinario liberatus<sup>6</sup> tamquam clericus convictus & in prisona episcopi imprisonatus occidit suum custodem & evasit & postea receptus fuit & non obstante clerimonia sua suspensus fuit quia qui in legem committit frustra invocatur<sup>7</sup> legis auxilium.<sup>7</sup>

<sup>8</sup> Quando <sup>9</sup> quis<sup>10</sup> allocutus est super feloniam coram justiciariis & ipse per ordinarium petatur sicut<sup>11</sup> clericus<sup>12</sup> &c & compertus laicus &c Judicium<sup>12</sup> quod totum laicum feodum istius<sup>13</sup> ordinarii capietur<sup>14</sup> in manu domini regis &c.

<sup>15</sup> Presentatum fuit quod quidam utlagatus fuit pro feloniam in comitatu Sussexie & receptus<sup>16</sup> in comitatu Kancie per assensum Justiciariorum missum fuit breve coronatori Sussexie ad certiorandum<sup>17</sup> eosdem de eadem utlageria<sup>18</sup> de causa & die utlagerie.<sup>19</sup>

<sup>20</sup> Quedam Alicia habens custodiam <sup>21</sup> cujusdam filii sui ratione<sup>21</sup> nutrimenti post mortem cujusdam<sup>22</sup> mariti sui & <sup>23</sup> omnium terrarum suarum<sup>23</sup> quequidem Alicia cepit<sup>24</sup> post in <sup>25</sup> alium <sup>26</sup> maritum <sup>27</sup> quemdam Johannem<sup>27</sup> qui postea feloniam commisit<sup>28</sup> de qua convictus fuit per utlageriam.<sup>28</sup> Et quia<sup>29</sup> dicta Alicia & filius suus heres primi mariti sui tenuerunt de abbate sancti Augustini & dictus Johannes<sup>30</sup> eadem tenementa tenuit ratione matrimonii<sup>31</sup> & terre per ipsum seminate fuerunt<sup>31</sup> propter quod Ricardus de la Bere senescallus dicti abbatis nomine domini sui & libertatis sue seisivit<sup>32</sup> terras seminatas & blada<sup>32</sup> una cum catallis & aliis in predictis tenementis inventis qui super hoc allocutus dixit per—

Malm Blada <sup>33</sup> creseencia que<sup>33</sup> fuerunt manupus viri de feloniam convicti ratione illius libertatis sue de C. ea cepit<sup>34</sup> &c.

<sup>1</sup> κ omits. <sup>2</sup> Reported by aa, β, γ, δ, ζ, κ. Text from γ collated with the others. Side note from β. <sup>3</sup> Presentatum fuit, ζ: Item presentatum fuit, κ.  
<sup>4</sup> ζ omits. <sup>5</sup> eis, δ. <sup>6</sup> ordinarius libertatem etc., κ. <sup>7</sup> legem, aa, β.  
<sup>8</sup> Reported by aa, β, γ, δ, ζ, κ. Text from γ collated with the others.  
<sup>9</sup> Nota ubi, κ. <sup>10</sup> Nota quod ubi, aa, β, δ, ζ. <sup>11</sup> aliquis, aa, β.  
<sup>12</sup> tanquam, aa, β, κ. <sup>13</sup> et compertum sit quod laicus, κ. <sup>14</sup> illius, aa, β, κ. <sup>15</sup> capiat, aa, β, γ, ζ, κ. <sup>16</sup> Reported by aa, β, γ, δ, ζ, κ. Text from γ collated with the others. <sup>17</sup> receptatus, aa, β; retentus, ζ; rectatus, κ. <sup>18</sup> certificandum, ζ, κ. <sup>19</sup> utlagatione, aa, β. <sup>20</sup> utlagationis, aa, β. <sup>21</sup> Reported by aa, β, γ, δ, ζ, κ. Text from γ collated with the others. aa, β, γ, ζ b. *in* with Nota quod. <sup>22</sup> de filio suo nomine, aa, β, δ, ζ. <sup>23</sup> omnia terras suas, aa. <sup>24</sup> postea, κ. <sup>25</sup> δ omits. <sup>26</sup> δ omits. <sup>27</sup> pro qua utlagatus fuit, ζ. <sup>28</sup> from aa, β, δ, ζ, κ. <sup>29</sup> δ adds secundum maritus. <sup>30</sup> κ omits. <sup>31</sup> blada in terra seminata, aa, β, δ, ζ, κ. <sup>32</sup> inventa, δ; κ omits. <sup>33</sup> tenuit, δ.





by reason of the disappearance of the appellor, and not upon the afore-said indictment.

The jurors present that a certain man was charged with felony before the Justices; who, claiming to be a clerk, was delivered to the Ordinary as a convicted clerk. And while he was imprisoned in the bishop's prison he slew his custodian, and escaped. Afterwards he was recaptured, and, notwithstanding that he was a clerk, was hanged; for he that breaks the law cannot have the advantage of the law.

Where one  
was hanged,  
and yet was  
a clerk.

If one, being charged before the Justices with felony, be claimed by the Ordinary as a clerk, and be found to be a layman, the whole lay fee of that same Ordinary shall be taken into the King's hand.

Presentment was made that one who had been outlawed for felony committed within the county of Sussex had been taken within the county of Kent. Word was sent, with the assent of the Justices, to the coroner of Sussex that he should inform them concerning that outlawry, the reasons therefor, and the date thereof.

A certain Alice had the custody of a certain son of hers for nurture after the death of a certain man, her husband that was, as likewise of all his lands. Afterwards this same Alice took one John as her second husband; and this John subsequently committed felony, by reason of which he was outlawed. And because the said Alice and her son, that was heir of Alice's first husband, held of the Abbot of St. Augustine's, and because the said John held the same lands in right of his marriage, and these same lands had been by him, John, sown with seed, Richard Beer, the steward of the said Abbot, under pretext of the said Abbot being John's lord and lord of the franchise, seized the said lands so sown and the growing crops, together with all goods and chattels that were found upon the said lands; and, being arraigned for so doing, answered by—

*Malberthorpe.* These were growing crops found in the possession of a convicted felon; consequently we took them in right of our lordship of the franchise of C.



STAUNTONE Blada crescencia in libero tenemento heredis non possunt forisfaci ratione felonie alienjus<sup>1</sup> & quia Alicia<sup>2</sup>jure<sup>3</sup> heredis<sup>2</sup> que<sup>1</sup> presens fuit<sup>2</sup> in curia tenetur reddere compotum de eisdem cum heres<sup>6</sup> pervenerit ad etatem. &c.

Molm. Blada crescentia<sup>7</sup> que sunt de manu opere felonis non debent custodiri usque ad etatem heredis & tunc heredi tradi quia ad voluntatem ipsius potuit ea donasse & vendidisse si de feloniam non fuisset convictus & non de eisdem compotum reddere nisi tantum de valore terrarum suarum.

STAUNTONE<sup>8</sup> hoc non<sup>9</sup> obstat &c. ideo<sup>10</sup> adjudicata fuerunt<sup>11</sup> heredi<sup>12</sup> predicta catalla &c.

<sup>13</sup> Nota omnes evasiones presentate in itinere presupponunt captionem & imprisonment ratione felonie<sup>14</sup> & omnis<sup>15</sup> priso evasus<sup>16</sup> si malecreditur<sup>17</sup> exigendus est si superstes sit & si quis fregit prisonam & captus fuit pro transgressionem<sup>17</sup> vel hujusmodi<sup>17</sup> non judicatur<sup>18</sup> evasio.

<sup>19</sup> Jurati de Cantuaria presentant quod quidam convictus de homicidio coram justiciariis tunc se defendebat & committabatur gaole ad expectandum gratiam regis nunc extra prisonam est nescitur qualiter & est in patria commorans ideo recipiatur. Quesitum fuit tempore cujus vicecomitis. Jurati dicunt quod J. de Northwode qui quidem Johannes super hoc allocutus cognovit factum ut supra & posuit se ad gratiam & rogavit justiciarios quod adjuvarent eum de remedio versus duos qui habuerunt custodiam prisone per ipsum &c. & etiam qui obligati fuerunt ad custodiendum &c.

<sup>20</sup> Nota quando coronator invenit aliquem submersum in alicio puteo<sup>21</sup> precipere debet<sup>21</sup> Borghaldrium<sup>22</sup> & totum borghum<sup>23</sup> quod ipsi<sup>24</sup> opturent<sup>25</sup> puteum & hoc<sup>26</sup> debent intrare<sup>26</sup> in<sup>27</sup> rotulis suis<sup>27</sup>. Et si<sup>28</sup> compertum fuerit in itinere per presentationem quod dictus puteus non opturetur<sup>29</sup> tota Borgha ad judicium.<sup>30</sup>

<sup>1</sup> alterius, aa, β, κ. <sup>2</sup> κ omits. <sup>3</sup> mater, aa, β, δ, ζ. <sup>4</sup> qui, aa, ζ.  
<sup>5</sup> est, κ. <sup>6</sup> from aa, β. <sup>7</sup> from aa, β. <sup>8</sup> ORMESBY, aa, β, δ, κ.  
<sup>9-10</sup> obstante, κ. <sup>11-12</sup> obstaute id est ad judicium quod heres habeat, δ.  
<sup>13</sup> ζ adds non. <sup>14-15</sup> adjudicavit, κ. <sup>16</sup> Note from aa, β, γ, δ, ζ, κ. Text from  
 γ collated with the others. <sup>17-18</sup> Item omnes evasiones prisone si malecredantur.  
<sup>19-20</sup> evasus a prisone, κ. <sup>21-22</sup> δ, κ omits. <sup>23</sup> adjudicanda est, δ; adjudicabitur, ζ.  
<sup>24</sup> Reported by γ only. <sup>25</sup> Note from aa, β, γ, δ, ζ, κ. <sup>26-27</sup> et  
 precepit, κ. <sup>28</sup> borgheshadde, β. <sup>29-30</sup> κ omits. <sup>31</sup> κ omits. <sup>32</sup> obturent,  
 aa, κ; obtulerent, β. <sup>33-34</sup> intrat, κ. <sup>35-36</sup> δ omits. <sup>37</sup> δ omits. <sup>38</sup> ob-  
 turetur, aa, κ. <sup>39-40</sup> Borghaldres in misericordia. From <sup>39</sup> to end ζ reads: capere  
 debet Borghaldre et totum Borghaldre debet obturare puteum et hoc intrare debet  
 in rotulo. Et si compertum fuit in itinere per presentationem quod non obturetur  
 predictus puteus totum Borghaldre ad iudicium.



STAUNTON J. Crops growing on the heir's freehold cannot be forfeited by reason of anyone's felony ; and, besides this, Alice—who was in court as the heir's representative—is bound to render an account of these same crops to the heir when he comes of age, etc.

*Malberthorpe.* These growing crops that were found in the possession of this convicted felon cannot be kept till the heir comes of age, and then be given to the heir ; for if this man had not been convicted of felony, he might have sold them or given them away at his pleasure, and he would have been under no obligation to render an account of them specifically, but only of the general profits of the land.

STAUNTON J. What you say is not sufficient etc. And so the aforesaid crops were adjudged to belong to the heir, etc.

Note that in all cases of escape presented in Eyre it is a condition precedent that he who so escaped must have been taken and imprisoned on account of a felony committed by him ; and every prisoner who has made his escape and has been found suspect is to be put in exigent if he be still alive. But if any one, being imprisoned by reason of a trespass or suchlike misfeasance, shall break prison, in such case it shall not be adjudged to be an escape.

The jurors of Canterbury present that one who had been convicted before the Justices of homicide afterwards pleaded that he had committed the said homicide in self-defence, and he was remitted to gaol to await the King's pleasure. This man is no longer in prison—the jurors do not know why—but is at large within the country. Therefore order is made that he be re-taken. The jurors were asked in what sheriff's term of office this happened, and they say that it was in John of Norwood's. Thereupon this same John is put to answer about this matter. He cannot deny that what the jurors say is true, and he throws himself upon the mercy of the Court ; and he craves the aid of the Justices in punishing certain two men who, as his deputies for that purpose, had the custody of the prisoner in question, and were bound to keep him in safe custody.

Note that if a coroner shall find the body of a drowned person in any pond he shall give orders to the Borsholder and the borough at large to have such pond filled in ; and of this he must make entry in his rolls. And if it be found in Eyre by presentment that such pond has not been filled in, then the whole borough shall be under judgment.



Judicium de  
uno  
hundredo de  
recepta-  
mento facto  
in alio  
hundredo.

<sup>1</sup> Jurati hundredi de Merdenn presentant<sup>2</sup> quod Cristina de Hegham<sup>3</sup> xii<sup>4</sup> annis elapsis capta fuit in hundredo isto infra libertate prioris Christi Cantuarie ad sectam Ricardi Eyhoth<sup>5</sup> pro receptamento bonorum ipsius Ricardi furatorum absque alico manuopere secum invento & post coram Willelmo de Wilmyngton<sup>6</sup> senescallo predicti prioris<sup>7</sup> apud Estfarlegir in hundredo de Maydenestone<sup>8</sup> & sectatoribus ejusdem curie ad sectam dieti Ricardi suspensa fuit unde Prior<sup>7</sup> Christi Cantuarie respondet & quia predicti sectatores processerunt ad judicium in curia dieti prioris in Estfarlegir in hundredo de Maydenston<sup>10</sup> pro receptamento dictorum bonorum<sup>11</sup> in isto hundredo preceptum est vicecomiti quod venire faciat predictum priorem & sectatores curie &c.

<sup>12</sup> Presentatum fuit quod quidam commisit feloniam & fugit ad ecclesiam<sup>13</sup> & abjuravit regnum<sup>13</sup> &c coram quodam coronatore qui mortuus fuit & rotuli ejus non fuerunt in curia nec aliquis coronator<sup>14</sup> recordavit abjuracionem.<sup>14</sup> Ideo adjudicatur evasio super hundredum non obstante quod jurati allegaverunt quod non<sup>15</sup> fuit defectus hundredi & peccerunt quod inquiratur per patriam si talis<sup>16</sup> abjuracio &c<sup>16</sup> necne.

ORMESBI non debemus inquirere [de] eo quod cadit in recordo<sup>17</sup> & denuo<sup>17</sup> concessum fuit de gratia quod venire faceret heredem<sup>18</sup> coronatoris cum rotulis<sup>19</sup> ejus & etiam clericum<sup>20</sup> coronatoris &c.

<sup>21</sup> Presentatum fuit quod quidam indictatus fuit de homicidio<sup>22</sup> & super hoc arematas & convictus de dicto homicidio<sup>22</sup> cum<sup>23</sup> se defendere<sup>24</sup> fecit. Quesitum ubi<sup>25</sup> fuit ille respondet<sup>26</sup> quod in isto itinere atachiatus & de eadem morte allocutus qui se posuit super patriam qui dixit quod in nullo est culpabilis & sic omnino quietus.

BERR<sup>27</sup> recipiatur & moretur in prisona domini regis ad gratiam regis<sup>28</sup> juxta primum judicium,<sup>29</sup> quia curia illa decepta quia per breve domini regis<sup>28</sup> manucaptus fuit usque adventum Justiciariorum itinerantium & quia prima die non reddidit se prisone & dicta curia

<sup>1</sup> Reported by aa, β, γ, δ. Text from γ collated with the others. Side note from β. Proper names corrected by E. R. <sup>2</sup> presentaverunt, aa. <sup>3</sup> 3 adds jam. <sup>4</sup> jam ii. δ. <sup>5</sup> Elench, aa; Clenthe, β. <sup>6</sup> Wilmyngton, aa; Wilmyngtine, β; Wiltown, δ. <sup>7</sup> 12 δ omits. <sup>8</sup> Fardegh, β. Farles, γ, δ. <sup>9-10</sup> aa omits. <sup>10</sup> δ adds et sectatores ejusdem curie ad sectam predicti Ricardi suspensi fuerunt unde prior in hundredo de Maydenston. <sup>11</sup> denariorum, δ. <sup>12</sup> Reported by aa, β, γ, δ, κ. Text from γ collated with the others. <sup>13-14</sup> δ omits. <sup>14-15</sup> recordum abjuracionis habuit, β. <sup>15</sup> δ omits. <sup>16-16</sup> abjuravit, δ. <sup>17-17</sup> set, δ, κ. <sup>18</sup> from the other texts; γ has homines. <sup>19-20</sup> vel clericos, κ. <sup>21</sup> Reported by aa, β, γ, δ, κ. Text from γ collated with the others. <sup>22-22</sup> δ omits. <sup>23</sup> set, κ. <sup>24</sup> defendendo, aa, β, κ. <sup>25</sup> 25 δ omits. <sup>26</sup> responsus fuit, δ. <sup>27</sup> ORMESBY, κ. <sup>28-28</sup> δ omits. <sup>29</sup> indictamentum, aa, β.





The jurors of the hundred of Marden present that Cristina of Hegham, these twelve years ago, was taken in that hundred within the liberty of the Prior of Christ Church at Canterbury at the suit of Richard Eynoth, for that she had received goods stolen from the said Richard, the property of the said Richard; and that no stolen goods were found in her possession; and that afterwards, at Eastfarleigh in the hundred of Maidstone, before William of Wilmington, that was steward of the aforesaid Prior, and the suitors of that court, she was, at the suit of the said Richard, hanged. For this the Prior of Christ Church at Canterbury shall answer; and seeing that the aforesaid suitors proceeded to judgment in the court of the said Prior at Eastfarleigh, that is within the hundred of Maidstone, upon a charge of receiving stolen goods within the hundred of Marden, order is given to the sheriff that he have here the aforesaid Prior and the suitors of his court of Eastfarleigh.

Judgment of a hundred that went to judgment of one that received stolen goods in another hundred.

Presentment was made that one had committed felony and had fled to a church and had there abjured the realm before a certain coroner that had since died, whose rolls were not in court; and that no coroner had recorded the abjuration. So judgment of escape is delivered against the hundred, notwithstanding that the jury urged that the hundred was in no way in fault, and prayed that an inquiry might be taken by a jury as to whether such alleged abjuration had been in fact made or not.

ORMESBY J. We cannot inquire into what is a matter of record.

In the end, however, as a matter of grace, the Court allowed the heir of the deceased coroner to be summoned to attend with the rolls, and also the coroner's clerk etc.

Presentment was made that one, indicted for homicide, had been arraigned and convicted of this same homicide, which he had committed in self-defence. The Court asked where this man now was; and it was replied that during this present Eyre he had been attached and tried for this same homicide; and that he had put himself upon the country, who had found him not guilty; and so he had gone quit of all.

BEREFORD C.J. Let him be re-taken and remain in the prison of our lord the King till the pleasure of our lord the King be signified, according to the original judgment. This court has been hood-winked. In obedience to a letter from the King this man was let out on bail till the arrival of the Justices in Eyre; and, as he did not surrender himself on the first day at the prison, this Court would have known nothing at



non fuit asserta<sup>1</sup> nisi per presentacionem &c manucaptors ad iudicium.

<sup>2</sup> Presentatum fuit quod quidam ballivus cepit <sup>3</sup>diversas carectas<sup>3</sup> talem <sup>4</sup>& talem<sup>4</sup> colore officii & nescitur si habuit<sup>5</sup> warantum & malecredunt<sup>6</sup> &c. Ideo preceptum est vicecomiti quod venire faciat ballivum qui venit & non<sup>7</sup> ostendit warantum Ideo ad iudicium.

<sup>8</sup> Presentatum fuit quod quidam commisit feloniam apud Lyn<sup>9</sup> in comitatu isto<sup>10</sup> & idem captus & detentus in libertate v portuum & quia<sup>11</sup> felonia facta fuit extra<sup>12</sup> libertatem predictam Justiciarii miserunt libertati post dictum felonem.

<sup>13</sup> Presentatum fuit quod quidam A. adquando equum suum se submersit. Iudicium infortunium & equus ille deodandus domino regi &c.

Ubi ballivus  
permisit  
extraneum  
probare  
bona esse  
sua que non  
tuerunt.

<sup>14</sup> Presentatum fuit quod quidam<sup>15</sup> furatus fuit quedam bona & ea in quodam nemore abscondidit. Postea <sup>16</sup>alius ea<sup>16</sup> invenit & tulit ea ad ballivum hundredi talis &c. & venit quidam extraneus & probavit illa esse sua. <sup>17</sup>Iudicium preceptum est respondere<sup>18</sup> & preceptum est vicecomiti quod venire faciat <sup>19</sup>ballivum<sup>19</sup> &c.

<sup>20</sup> Qui subito mortui<sup>21</sup> debent<sup>22</sup> videri a<sup>23</sup> coronatore de jure Anglie<sup>24</sup> aliter amercientur.<sup>25</sup>

<sup>26</sup> Omne id<sup>27</sup> quod movet cum eo quod occidit hominem <sup>28</sup>est deodandum<sup>28</sup> regi vel feodum clerici &c.

Ubi homines  
custo-  
lis  
gaule oc-  
ciderunt et

<sup>29</sup> Presentatum fuit quod <sup>30</sup>Waresius de Valeyns<sup>30</sup> tempore quo fuit vicecomes Kancie habuit quosdam de manupastu suo qui verberaverunt<sup>31</sup>

<sup>1</sup> acerta,  $\delta$ . <sup>2</sup> Reported by aa,  $\beta$ ,  $\gamma$ ,  $\delta$ . Text from  $\gamma$  collated with the others.  
<sup>3-5</sup> from the other texts.  $\gamma$  has carectam. <sup>4-5</sup> talis,  $\delta$ . <sup>5</sup> habuerit, a.  
<sup>6</sup> malecreditur,  $\beta$ . <sup>7</sup> inde,  $\delta$ . <sup>8</sup> Reported by aa,  $\beta$ ,  $\gamma$ ,  $\delta$ ,  $\kappa$ . Text from  $\gamma$   
collated with the others. <sup>9</sup> Linc,  $\delta$ ; Lu,  $\beta$ ; le Blee,  $\kappa\kappa$ . <sup>10-12</sup>  $\delta$  omits. <sup>11</sup>  $\delta$  omits.  
<sup>12</sup> from the other texts.  $\gamma$  has juxta. <sup>13</sup> Reported by aa,  $\beta$ ,  $\gamma$ ,  $\delta$ . Text from  $\gamma$   
collated with the others. <sup>14</sup> Reported by aa,  $\beta$ ,  $\gamma$ ,  $\kappa$ ,  $\kappa\kappa$ . Text from  $\gamma$  collated  
with the others. See note from  $\beta$ . <sup>15</sup>  $\kappa$  adds felo. <sup>16-18</sup> quidam bona illa,  $\beta$ ,  
<sup>17-18</sup> et habuit iudicium prater dominum Regi &c.,  $\kappa\kappa$ . <sup>19</sup>  $\kappa$  adds vicecomiti.  
<sup>19-19</sup> etc. set si esset troueria bene poterit admitti et non in isto casu quia fuit res  
wevia et potest sciri quale ius habuit quia wauiauit,  $\kappa\kappa$ . <sup>20</sup> Note from aa,  $\beta$ ,  $\gamma$ ,  $\delta$ ,  $\kappa$ .  
Text from  $\gamma$  collated with the others. <sup>21</sup> moriuntur, aa,  $\delta$ ,  $\kappa$ ; mortuus,  $\beta$ .  
<sup>22</sup> debuit,  $\beta$ . <sup>23</sup> de,  $\delta$ . <sup>24</sup> Anglieano, aa,  $\beta$ ,  $\delta$ . <sup>25</sup> amercietur,  $\beta$ ,  $\delta$ . <sup>26</sup> Note  
from aa,  $\beta$ ,  $\gamma$ ,  $\kappa$ . Text from  $\gamma$  collated with the others. <sup>27</sup> illud, aa,  $\beta$ .  
<sup>28-28</sup> deodandum erit, aa; deodando erit,  $\kappa$ . <sup>29</sup> Reported by aa,  $\beta$ ,  $\gamma$ ,  $\delta$ ,  $\kappa$ . Text  
from  $\gamma$  collated with the others. See note from  $\beta$ . <sup>30-30</sup> Waresius de Werreis,  
aa,  $\beta$ ; Waresius Warreis,  $\delta$ ; Waresius de Wareis,  $\kappa$ . <sup>31</sup> vuln-raverunt,  $\beta$ ;  
vuln-raverunt,  $\kappa$ ; vuln-raverunt, aa.



all about the real facts of the matter but for the jurors' presentment etc. The mainpernours are to await judgment.

Presentment was made that a certain bailiff, by pretext of his office, took certain carts, the property of such and such people, and that it is not known that he had any authority for so taking them; and the jury suspect him. So order is given to the sheriff that he have that bailiff before the Court; and when he comes he can show no authority for taking the carts; therefore to judgment.

Presentment was made that one had committed a felony at Lee in this county, and that he was taken and detained within the liberty of the Cinque Ports; and because the felony was committed without the limits of the said liberty the Justices sent to demand the said felon from the said liberty.

Presentment was made that a certain A. was drowned while watering his horse. Judgment of misadventure; and the horse is forfeit to our lord the King as deodand.

Presentment was made that a certain one stole certain goods and hid them in a wood. Afterwards the said goods were found by another, who brought them to the bailiff of a certain hundred. Then came a certain stranger and proved<sup>1</sup> that the said goods were his property. The court adjudged the bailiff to be answerable for them, and charge was given to have that bailiff before the court.

Where a  
bailiff  
found a  
stranger to  
prove owner-  
ship of  
chittels, and  
such chattels  
were not his.

The bodies of such as have died suddenly should be viewed by the coroner according to the law of England; and if he fail to view such bodies he shall be amerced.

Everything that moves along with that particular thing through whose movement a man is killed is deodand to the King or the fee of the clergy etc.

Presentment was made that during the time when Waresius de Valence was sheriff of Kent certain ones of his mainpast had beaten and

The servants  
of the  
custodian of  
a gaol saw

<sup>1</sup> "Proved" is more than "probavit" strictly means. It means only that the stranger gave such evidence of

his ownership of the goods that the bailiff believed he was the owner.



sepelierunt  
quemdam  
prisonem  
sine visu  
coronatoris:  
tamen eustos  
allocutus de  
hoc.

& occiderunt quemdam<sup>1</sup> probatorem in custodia sua existentem et eum<sup>2</sup> sine visu coronatoris sepelierunt. Item presentatum fuit quod quidam procuraverunt<sup>3</sup> eum esse<sup>4</sup> probatorem qui <sup>5</sup>presentati<sup>6</sup> fuerunt<sup>7</sup> & <sup>8</sup>convicti. Ideo ad iudicium de eis & <sup>9</sup>preceptum est vicecomiti<sup>10</sup> quod indictati de feloniam predicta capiantur & dictus Waresius<sup>11</sup> presens in curia allocutus fuit de eo quod habuit castellum & prisonam<sup>12</sup> in custodia sua & Gaolarius<sup>13</sup> & alii qui ibidem erant per ipsum <sup>14</sup>fuerunt & quidam<sup>15</sup> priso &c. sepultus<sup>16</sup> sine visu coronatoris quod est contra jus &c. Et Waresius<sup>9</sup> dicit quod <sup>17</sup>isto tempore quo idem factum debet fieri<sup>18</sup> fuit apud Eboracum super compotum suum ad seaccarium domini regis per quod non debet de isto facto respondere. Quesitus<sup>16</sup> quid fecit quando revenit de Eboraco & habuit noticiam istius facti<sup>17</sup> & ille<sup>18</sup> dixit per—

*Pass.* quod statim <sup>19</sup>allocutos fecit<sup>19</sup> suos ministros &c & fecit eos invenire securitatem ad respondendum domino regi cum necesse fuerit &c.

STAUNTONE respondeat iste de facto suo qui habuit custodiam &c & transgressores <sup>20</sup>venient<sup>21</sup> ad respondendum<sup>20</sup> de factis suis.

Et Jurati quesiti si <sup>22</sup>ille fuit<sup>22</sup> de manupasto Waresii<sup>23</sup> qui interfecit<sup>24</sup> predictum probatorem. Dicunt quod sic. Quesiti si ipse Waresius<sup>25</sup> scivit ipsum<sup>26</sup> esse sepultum sine visu coronatoris. Dicunt quod sic. Ideo de hoc ad iudicium.

<sup>27</sup> Quidam captus pro latrocinio & imprisonatus a prisona evasit. Ideo ad iudicium de evasione super <sup>28</sup>custodem prisona<sup>28</sup>. Idem a prisona se misit in ecclesia <sup>29</sup>de qua<sup>30</sup> evasit.<sup>29</sup> Ideo<sup>31</sup> evasio &c & sic ij evasiones de uno prisona.<sup>31</sup>

<sup>32</sup> Si ij vel iij<sup>33</sup> furati fuerunt bona ad valorem xij d. ob. omnes habebunt iudicium <sup>34</sup>vite & membrorum.<sup>34</sup>

<sup>1</sup> aa, β omit. <sup>2</sup> ipsum, aa, β. <sup>3</sup> procuravit, aa, β, κ. <sup>4</sup> aa, β omit.  
<sup>5-6</sup> presente fuerint, aa; presens fuerit, β. <sup>6</sup> presentes, κ. <sup>7</sup> aa, β, κ add  
super hoc. <sup>7-8</sup> preceptum fuit, aa; presentatum fuit, β; presentatum est, δ.  
<sup>9</sup> Warinus, aa, β, κ. <sup>10</sup> prisonem, aa, κ. <sup>11</sup> gaiollare, aa. <sup>12-14</sup> prisonem  
interfecerunt et sepelierunt, aa. <sup>15-17</sup> prisona sepellitus, β; prisonam sepel-  
lierunt, κ. <sup>18-21</sup> quod illo tempore quo illud factum debuit fieri, aa; <sup>16</sup> aa, β, κ  
quod tempore illud debuit fieri, β; factum illud debuit fieri, δ. <sup>17</sup> aa, β, κ  
add per iusticiarios. <sup>18-19</sup> quid fecisti in adventu de Eboraco cum habuisti  
noticiam facti predicti, aa, β. <sup>18</sup> Warinus, aa, β, δ. <sup>19-20</sup> allocutus fuit, aa,  
β, κ. <sup>21-22</sup> respondent, aa. <sup>23</sup> venerunt, β. <sup>24-25</sup> fuerit, κ.  
<sup>26</sup> predicti Warini, aa, β; Warini, κ. <sup>27</sup> occidit, aa, β. <sup>28</sup> Warinus, aa, β,  
κ. <sup>29</sup> aa, β, δ add probatorem. <sup>30</sup> Reported by aa, β, γ, κ. Text from γ  
collated with the others. <sup>31-32</sup> eum qui custodiam prisona habuit, aa, β.  
<sup>33-34</sup> aa omits. <sup>35</sup> β adds postea. <sup>36-37</sup> ad iudicium de illa evasione. Et sic  
nota quod due evasiones ad iudicium de uno prisona, aa, β; ad iudicium de prima  
evasione, κ. <sup>38</sup> Note from γ, δ, κ, κκ. Text from γ collated with the others,  
<sup>39</sup> κ adds conjunctim. <sup>40-41</sup> de vita qar cheseun est felon de leutier, κ.





slain a certain approver that was in the custody of the said Waresius, and had buried his body without view of the coroner. It was further presented that certain ones who had been presented and convicted had procured the aforesaid approver to become an approver. So to judgment of these: and charge is given to the Sheriff that he take those who are indicted of the aforesaid felony. And the said Waresius, being present in court, was charged with having a castle and a prison wherein were a gaoler and other his agents, and with having the body of certain prisoner therein buried without view by the coroner, which is contrary to the law etc. And Waresius says that at the time when these matters are alleged to have happened he was at York, rendering his accounts to the Exchequer of our lord the King; and so, he urges, he ought not to be made responsible for them. He was asked what steps he took when he was informed of these matters upon his return from York; and he replied by

and buried  
a certain  
prisoner  
without  
view of the  
coroner, yet  
was the  
custody in  
himself  
arranged  
therefor.

*Passeley.* He immediately caused an enquiry to be made into the actions of his agents, and made them find security to be answerable to our lord the King whenever it should be so required of them.

STAUNTON J. Let him who had the custody of the man come and answer for his own acts, etc. Those who have done wrong shall come and answer for their own misdeeds.

And the jurors were asked if he who killed the aforesaid approver was in the mainpast of Waresius. They say that he was. Further asked whether Waresius himself knew that the body had been buried without view of the coroner, they say that he did so know. Therefore to judgment of him for these matters.

A certain man was taken for larceny, and was put into prison, and he broke out therefrom. So to judgment for escape against the keeper of that prison. This same prisoner having escaped from prison took sanctuary in a church, and therefrom he escaped. Therefore judgment of escape, etc., and so there are two escapes by one prisoner.

If two or three jointly steal goods to the value of twelve pence halfpenny they shall severally have judgment of life and limb.



<sup>1</sup>Presentatum fuit quod quidam fregit communem pontem. Judicium<sup>2</sup> reparet<sup>3</sup> pontem & sit in misericordia.<sup>4</sup>

De malicia.

<sup>5</sup>Presentatum fuit quod quidam maliciose<sup>6</sup> permisit clausum suum esse disclusum<sup>7</sup> ut sic imparicaret avera<sup>8</sup> vicinorum <sup>9</sup>& sic<sup>10</sup> pecuniam extorqueret<sup>11</sup> Ideo ad grave<sup>12</sup> iudicium<sup>13</sup> de eo<sup>13</sup>.

De semita obstructa.

<sup>14</sup>Presentatum fuit quod quidam obstruxit quamdam semitam que ducebat inter duas villas &<sup>15</sup> quia compertum est quod via non est communis sed tantum ab una villa ad aliam noluerunt <sup>16</sup>justiciarii se inde<sup>16</sup> intromittere quia persona<sup>17</sup> gravata habet suum recuperacionem<sup>18</sup> per assisam <sup>19</sup>nove disscisino.<sup>19</sup>

De purprestura facta super regiam stratum.

<sup>20</sup>Presentatum fuit quod quidam purprestavit super viam regiam ex una parte & <sup>21</sup>ex alia<sup>22</sup> ipsam<sup>23</sup> viam reparavit<sup>24</sup> & <sup>25</sup>quia compertum est quod non est nocens &c remansit <sup>26</sup>ut nunc<sup>26</sup> est per consideracionem <sup>27</sup>& etiam nonnullus<sup>27</sup> in misericordia pro transgressione.<sup>28</sup>

De via regia ducta in obliquo iudicium.

<sup>29</sup>Presentatum fuit quod quidam regiam viam duxit ex<sup>30</sup> obliquo propter proficuum suum & <sup>31</sup>de quadam<sup>31</sup> placea de solo suo proprio de novo<sup>32</sup> viam reparavit & quia<sup>33</sup> fuit ad noeuumentum patrie. Iudicium quod via reficiatur &c. & ipse in misericordia.

<sup>34</sup>Justiciarii non capiunt fines pro tenementis alienatis <sup>35</sup>in manu mortua<sup>35</sup> &c sine domino rege ac ejus consilio<sup>36</sup> &c.

Heres ejusdam coronatoris mortuo

<sup>37</sup>Heres ejusdam coronatoris mortui<sup>38</sup> post ultimam itineracionem<sup>39</sup> &<sup>40</sup> rotuli sui nec per heredem nec per alium fuerunt liberati

<sup>1</sup> Reported by aa, β, γ, κ. Text from γ collated with the others. <sup>2</sup> aa, β add quod. <sup>3</sup> reparet, aa, β. <sup>4</sup> aa adds &c. <sup>5</sup> Reported by aa, β, γ, δ, κ, κκ. Text from γ collated with the others. Side note from β. <sup>6</sup> per maliciam, aa, β, δ, κκ. <sup>7</sup> exclusum, aa, β, δ, κ, κκ. <sup>8</sup> κκ adds tenencium suorum vel. <sup>9-10</sup> ut ab eis, aa, β, δ. <sup>11-13</sup> κ omits. <sup>12</sup> κκ omits. <sup>13</sup> δ omits. <sup>14</sup> Reported by aa, β, γ, δ, κ, κκ. Text from γ collated with aa, β, κ. Side note from β. <sup>15</sup> Sed, aa, β. <sup>16-18</sup> κ omits. <sup>17</sup> pars, aa, β, κ. <sup>18</sup> recuperare, aa, β. <sup>19-19</sup> aa, β, κ omit. <sup>20</sup> Reported by aa, β, γ, δ, κ. Text from γ collated with the others. Side note from β. <sup>21-21</sup> alteram, δ. <sup>22</sup> altera, aa, β. <sup>23</sup> artavit, κ. <sup>24-24</sup> remansit ut nunc est pro transgressione in misericordia, κ. <sup>25-26</sup> Sed non, aa. <sup>27-27</sup> &c. et nichilominus, aa, β. <sup>28</sup> Reported by aa, β, γ, κ. Text from γ collated with the others. Side note from β. <sup>29</sup> in, aa, β. <sup>30-30</sup> quod, aa. <sup>31</sup> aa, β add propriam. <sup>32</sup> quod, aa, β. <sup>33</sup> Note from aa, β, γ, κ. Text from γ collated with the others. <sup>34-34</sup> ad manum mortuam, aa, β. <sup>35</sup> assensu, κ. <sup>36</sup> Reported by aa, β, γ, δ, κ, κκ. Text from γ collated with aa, β, δ, κ, κκ. Side note from β. <sup>37</sup> mortuus, κκ. <sup>38</sup> κκ adds nichil habuit per decessum hereditatis post mortem patris sui nec. <sup>39</sup> κκ omits.



Presentment was made that a certain one had broken a common bridge. The Court ordered him to repair the bridge, and to be in mercy.

Presentment was made that a certain man had of malice aforethought allowed his fences to remain broken that he might impound the cattle of his neighbours, and so extort money from them. For this let him be grievously punished.

Of malice.

Presentment was made that a certain one had obstructed a certain footpath between two towns. But because it was found that this was not a public road, but merely a path from one town to another, the Justices declined to interfere; for, they said, anyone who felt himself aggrieved had his remedy by way of assize of novel disseisin.<sup>1</sup>

Of one that obstructed a footpath.

Presentment was made that a certain man had encroached upon the King's highway on one side, and on the other had carried it further out. Because it is found that this man is not guilty of this, the matter remains over for further inquiry. Some one, however, will be in mercy for trespass.

Of one that encroached upon the King's highway.

Presentment was made that a certain one had diverted the King's highway for his own advantage, and made it take a new course from a point within his own land, and this to the public detriment. The Court ordered the road to be restored, etc., and he who had diverted it to be in mercy.

Judgment of one that diverted the King's highway.

The Justices do not take fines for lands alienated in mortmain, etc. without licence of our lord the King and his Council.

The heir of a certain coroner deceased since the last Eyre, his rolls being neither by his heir nor by any other delivered, etc., as appears in

Of the heir of a coroner that was dead that

<sup>1</sup> See *Introduction*, p. lxxxi.



patre qui  
non lib. r. v.  
rotulos certo  
die itineris  
secundum  
proclama-  
cionem.

&c<sup>1</sup> ut patet ubi evasio adjudicatur super totam Borgham de felone qui abjuravit regnum &c.<sup>2</sup> nunc venit<sup>3</sup> & ostendit unum rotulum Coronatoris<sup>4</sup> & <sup>5</sup>Justiciarii noluerunt<sup>5</sup> eum admittere quia coronatores electi sunt<sup>6</sup> per totum comitatum<sup>6</sup> pro sapientioribus<sup>7</sup> et potentioribus<sup>7</sup> &c.<sup>8</sup> & si defectus fuerit cadit<sup>9</sup> super eos<sup>10</sup> dampnatum<sup>11</sup> Ac etiam proclamatum fuit die primo itineris quod omnes coronatores sive eorum heredes vel clerici &c. responderent de rotulis<sup>12</sup> tercio<sup>13</sup> die principali &c.<sup>14</sup> Ideo nunc nolumus recipere &c.

<sup>15</sup> Si vidua dotata de libertate ut de Warennia<sup>16</sup> vel hujusmodi<sup>16</sup> si inde calumpnietur petet auxilium de herede &c.

Ubi aliquis  
potest sus-  
pendi licet  
acquiescat  
per patriam.

<sup>17</sup> Nota. Licet aliquis acquiescat<sup>17</sup> per patriam<sup>18</sup> de morte alicujus hominis hoc non obstante ex indictamento vel secta<sup>19</sup> alicujus<sup>20</sup> de auxilio abetto<sup>21</sup> vel procuracione<sup>22</sup> potest suspendi pro morte ejusdem ut<sup>23</sup> patet in secta<sup>24</sup> uxoris<sup>25</sup> Henrici Cisoris de Londonia pro morte ipsius Henrici.<sup>26</sup>

<sup>27</sup> Quidam captus fuit ad sectam ejusdam mulieris pro morte viri<sup>28</sup> sui et alii de abetto Principalis occisor<sup>29</sup> fregit prisonam<sup>30</sup> & fugit ad ecclesiam & regnum abjuravit coram coronatore cognoscendo se fregisse prisonam<sup>30</sup> sed non cognoscendo<sup>31</sup> se esse occisorem & quia nemo convictus est de principali abettatores sint<sup>32</sup> ad plevinam quousque &c.

<sup>33</sup> Si coronatores presentant<sup>34</sup> minora<sup>35</sup> catalla quam Jurati<sup>36</sup> & non

<sup>1,3</sup> de hiis qui abjuraverunt regnum coram eo si illa abjuratio per rotulos alicujus coronatoris [non fuerit testificatum adjudicantibus pro evasis et cadit dampnam super eos qui ipsum eligerunt et postea venit heres, *κκ*. <sup>1-2</sup> *κ omits.* <sup>3</sup> *κ a bts* heres. <sup>4</sup> curio. *Καντιο*, *κκ*. <sup>5-7</sup> *κκ omits.* <sup>8-10</sup> *κκ omits.* <sup>11-13</sup> *κκ omits.*

<sup>8</sup> de comitatu et debuerunt deliberare rotulis primo die Itineris prout proclamatum fuit, *κκ*. <sup>9</sup> cadit *aa*, *β*. <sup>10-12</sup> *3 omits*; super patriam, *κ*. <sup>13-15</sup> qui ipsum eligerunt prout patet supra de coronatoribus electis qui nichil habent nisi de jure uxoris et ideo totus comitatus in misericordia et respondet pro eo per judicium, *κκ*.

<sup>11</sup> dampnam, *aa*, *β*. <sup>12-14</sup> in principio itineris, *κ*. <sup>15</sup> certo, *β*. <sup>16</sup> Note from *aa*, *β*, *γ*, *δ*, *κ*. Text from *γ* collated with the others. <sup>17-18</sup> *κ omits.* <sup>19</sup> Note from *aa*, *β*, *γ*, *δ*, *κ*, *κκ*. Text from *γ* collated with the others. <sup>20-22</sup> *κ omits.* <sup>23</sup> Note from *aa*, *β*, *γ*, *δ*, *κ*, *κκ*.

<sup>19</sup> ad sectam, *aa*. <sup>20</sup> *κκ adds* fuerit convictus vel convicti. <sup>21</sup> abjecto, *δ*. <sup>22</sup> *κ adds* in itinere. <sup>23-25</sup> *κκ omits* de quod in telone qui occidit Wilhelmum Cissorem qui acquiescat fuit et principalis et postea ad sectam uxoris predicti Cici si (sic) suspensus fuit pro auxilio, *κκ*. <sup>26-28</sup> *κκ omits* mulieris Henrici Cisoris pro morte ejusdem Henrici qui captus fuit ad sectam mulieris diete et alii de abetto. Principalis occisor fregit prisonam, set non cognovit se esse occisorem; et quia nemo convictus est de principali facto, abettos remaneant ad plevinam quousque &c., *κ*. <sup>29</sup> mulieris, *aa*, *β*, *δ*.

<sup>29</sup> Reported by *aa*, *β*, *γ*, *δ*, *κ*. Text from *γ* collated with *aa*, *β*, *δ*. <sup>30</sup> mariti, *aa*, *β*. <sup>31</sup> felonis, *κκ*. <sup>32-34</sup> *aa*, *β*, *γ* *omits*. <sup>35</sup> cognovit, *aa*, *β*, *δ*. <sup>36</sup> remaneant, *aa*, *β*, *δ*. <sup>37</sup> Note from *aa*, *β*, *γ*, *δ*, *κ*, *κκ*, *θ*. Text from *γ* collated with *aa*, *β*, *δ*, *κ*, *κκ*. <sup>38</sup> *κκ adds* per rotulos suos. <sup>39</sup> majora, *aa*. <sup>40</sup> sij, *κκ*.





the report of the case where judgment of escape was given against the whole borough in the matter of a felon who abjured the realm etc., now comes and produces a single roll belonging to that coroner; but the Justices would not receive him, by reason that coroners are elected by the whole county as being of the wisest and ablest men etc.; and so, if there be any default made by them, the responsibility thereof falls upon the county. And, besides, proclamation was made upon the first day of the Eyre that all coroners or their heirs or clerks should bring up their rolls on the third day from the beginning of the Eyre etc. So, said the JUSTICES, we cannot receive you.

did not  
deliver his  
coroner's rolls  
upon-such  
day of the  
Eyre as was  
by procla-  
mation  
appointed.

If a widow have a franchise, as of warren, or other of like kind, for her dower, and make claim thereof, she is to seek aid from the heir etc.

*Note.*—Though one have been acquitted by a jury of the death of a man, yet, this notwithstanding, he may still be hanged upon indictment or suit of any charging him with aiding or abetting or procuring the death of that same man; as appears in the suit of the wife of Henry Taylor of London for the death of that same Henry.

Whosoever  
may yet be  
indicted  
therein he  
have been  
acquitted by  
a jury.

A certain man was taken at the suit of a certain woman for the death of her husband, and others were taken for abetting him. The principal in the crime broke prison and fled to a church, and there abjured the realm before the coroner, acknowledging that he had broken prison, but not acknowledging that he was blood-guilty. Since no one has been convicted as principal, the abettors are to be bailed until etc.

Coroners presenting chattels as of less value than the value presented



habeant<sup>1</sup> nomina taxatorum sunt amerciandi. Et si jurati<sup>2</sup> minus presentant<sup>3</sup> quam coronatores<sup>3</sup> indistincte sunt amerciandi.

<sup>4</sup> Si quis tenuerit<sup>5</sup> feodum militare integrum<sup>6</sup> & plene etatis sit<sup>7</sup> & non miles amerciandus est.

Judicium  
ubi trabes  
ecclesie  
occurrit  
hominem.

<sup>8</sup> Nota. Quidam moriebatur<sup>9</sup> fortuite<sup>10</sup> per quamdam trabem<sup>11</sup> in qua pendeat<sup>12</sup> campana<sup>13</sup> unde trabes cum campana deodanda<sup>14</sup> domino regi<sup>15</sup> non obstante quod fuerunt bona ecclesiastica<sup>16</sup> sed tamen<sup>17</sup> de gratia speciali in honore<sup>18</sup> ecclesie<sup>19</sup> capitalis justiciarius perdonavit.<sup>20</sup>

Ubi quidam  
de Kancia  
suspenditur.

<sup>21</sup> Willelmus de Bolton<sup>22</sup> communis latro indietatus & utlagatus per vj annos<sup>23</sup> postea revenit captus fuit & suspensus & non obstante suspensione<sup>24</sup> rex habuit annum & vastum<sup>25</sup> propter utlagariam<sup>26</sup> secundum consuetudinem Kancie que<sup>27</sup> talis est quod si aliquis suspensus sit pro feloniam Rex non habet annum nec vastum nec dominus capitalis eschaetam<sup>28</sup> sed si sit utlagatus vel regnum abjuravit Rex tunc habebit<sup>29</sup> &c & dominus similiter &c.<sup>30</sup>

<sup>31</sup> Purprestura facta<sup>32</sup> super regiam<sup>33</sup> viam cum<sup>34</sup> ad nocumentum patrie potest arentari domino regi ad certum per annum vel lineam facere<sup>35</sup> in certo pro imperpetuo tenendo<sup>36</sup> & tamen<sup>37</sup> pro transgressione in misericordia.

<sup>38</sup> Omnes eschaete civitatum mero jure competunt domino regi de quibuscumque feodis tenementa sint.<sup>39</sup>

<sup>40</sup> Presentatum fuit quod quidam C. veniendo de<sup>41</sup> comitatu Sussexie<sup>42</sup> infra limites<sup>43</sup> ejusdem comitatus invenit quendam hominem gula sua

<sup>1</sup> *κκ* adds in rotulis. <sup>2</sup> *xij. κκ.* <sup>3-3</sup> *κ* omits. <sup>4</sup> Note from *aa, β, γ, κ, κκ.* Text from *γ* collated with the others. <sup>5</sup> *teneat, aa.* <sup>6</sup> *κ, κκ* omit. <sup>7-7</sup> *aa* omits. <sup>8</sup> Note from *aa, β, γ, δ, κ, κκ.* Text from *γ* collated with the others. Side note from *β.* <sup>9</sup> *morabatur, δ;* *morebatur, κκ.* *κκ* adds *casu.* <sup>10</sup> in fortunio, *κ.* <sup>10-11</sup> in quadam trabes, *κκ.* <sup>12</sup> *pendebatur, aa, β, δ.* <sup>11-11</sup> et adjudicatum fuit de eodem, *δ.* <sup>11</sup> *κ* omits. <sup>13</sup> *κκ* adds et trabes capelli et clerici *vj d.* <sup>16</sup> *κκ* ends *hanc.* <sup>17</sup> tandem, *δ.* <sup>18</sup> honorem, *aa, β.* <sup>19-20</sup> post justiciarius condonavit, *δ.* <sup>20</sup> condonavit, *aa, β.* <sup>21</sup> Reported by *aa, β, γ, δ, κ.* Text from *γ* collated with the others. Side note from *β.* <sup>22</sup> Bollington, *aa, β;* Boligton, *κ.* <sup>23-24</sup> *δ* omits. <sup>24</sup> consuetudine, *aa.* <sup>25-26</sup> *aa, β* omit. <sup>27-28</sup> nec capitalis dominus eschaetam, *κ.* <sup>29</sup> quia consuetudo Kancie, *aa, β;* *δ* omits. <sup>30-30</sup> annum et diem et capitulis dominus eschaetam, *δ;* annum et vastum et capitulis dominus eschaetam, *κ.* <sup>31</sup> Note from *aa, β, γ, δ.* Text from *γ* collated with the others. <sup>32-32</sup> *δ* adds fuit. <sup>33-34</sup> stratum non, *aa;* viam non, *β.* <sup>34-34</sup> in perpetuum tenendum, *δ.* <sup>35</sup> *to end aa and β read nichilominus pro transgressione facta domino Regi ipse qui fecit in misericordia.* <sup>36</sup> *δ* adds nonnullus. <sup>37</sup> Note from *aa, β, γ, κ.* Text from *γ* collated with the others. <sup>38</sup> sunt, *aa, β.* <sup>39</sup> Reported by *aa, β, γ, δ.* Text from *γ* collated with the others. <sup>40-40</sup> Sussex, *aa, β.* <sup>41</sup> limitem, *aa, β.*



by the jurors, and not showing on their rolls the names of the appraisers, are to be amerced. And if the jurors present a less value than the coroners, they are to be amerced after the same fashion.

Tenants of whole fees held by military service being of full age and not yet knighted are to be amerced.

*Note.*—A certain man was accidentally killed by the fall of a beam upon which a bell was hung. Therefore both beam and bell are deadland to our lord the King, notwithstanding that they were church property. Nevertheless, by special grace in honour of the church, the CHIEF JUSTICE freed them from forfeiture.

Judgment where one was killed by a beam that fell within a church.

William of Bolton, that was indicted and outlawed as a common thief six years ago, and who afterwards returned, was taken and hanged; and, notwithstanding the fact that he was so hanged, the King had year and waste by reason of his outlawry, according to the custom of Kent, according to which custom the King hath not year and waste, nor hath the chief lord escheat, where a man is hanged for felony, but if he be outlawed or have abjured the realm, then shall the King have etc., and similarly the lord shall have etc.

When one of the county of Kent is hanged.

He that maketh purpresture upon the King's highway to the public hurt shall therefor either pay a fixed yearly rent to our lord the King or make fine with him in a sum to be ascertained for maintaining himself in perpetuity in such purpresture; nevertheless for the trespass shall he be in mercy.

All escheats within cities accrue as of right to our lord the King, no matter of what lord the lands be held.

Presentment was made that one C. in journeying from the county of Sussex, and while still within that county, found a certain man with



prope abscissa tamen superstes fuit & idem ipsum cepit & portavit<sup>1</sup> apud B. in comitatu Kancie & ibidem ratione diete plage obiit.<sup>2</sup> & dictum fuit per juratos<sup>3</sup> &c quod quidam P. eum<sup>4</sup> occidit unde<sup>5</sup> justiciarii miserunt breve suum vicecomiti Sussexie quod caperet eum quia commorans<sup>6</sup> in eodem comitatu & quod mitteret eum hic<sup>7</sup> coram justiciariis hic<sup>8</sup> &c.

<sup>9</sup> Cum quis indietatus fuerit de bonis furatis infra precium xij d. ob. & de hoc acquietetur<sup>10</sup> ad tunc<sup>11</sup> si inveniatur quod se subtraxit<sup>12</sup> catalla ejus confiscantur.

<sup>12</sup> Presentatum est quod quidam interfecit quemdam hominem et fugit statim ad ecclesiam & abjuravit regnum & quia non compertum fuit per recordum coronatoris adjudicata fuit evasio & quia custodes illius<sup>13</sup> felonis pauperes fuerunt secundum quod testatum fuit Judicium super totum hundredum Postea presentatum fuit quod idem felo evasis ad ecclesiam de custodia ipsorum qui duxerunt eum<sup>14</sup> versus gaolam Ideo adjudicatur alia evasio de eodem felone.

Quantum  
folios  
habuit  
et ea ipsos  
quanto  
abjuraverunt  
regnum

<sup>15</sup> Nota qui<sup>16</sup> abjurat regnum habebit tunicam camisiam & braceas<sup>17</sup> & totum residuum quicquid fuerit confiscatur & coronator nec garcio suus quicquam<sup>18</sup> capiet pro feodo & si<sup>19</sup> faciant<sup>20</sup> restituent<sup>21</sup> regi &<sup>22</sup> vicecomes oneretur in itinere & coronator & sui garciones<sup>23</sup> amercientur.<sup>24</sup>

<sup>25</sup> Cum quis indietatus<sup>26</sup> de minori quam de<sup>27</sup> quo fiet<sup>28</sup> judicium vite<sup>29</sup> &c licet non veniat non debet utlagari.

Judicium de  
coronatore  
qui cepit

<sup>30</sup> Johannes de Oveneye<sup>31</sup> coronator convictus fuit ad sectam ejus-

<sup>1</sup> asportavit, aa, β, δ. <sup>2</sup> moriebatur, aa, β. <sup>3</sup> aa, β, δ add per sacramentum. <sup>4</sup> eundem, aa, β. <sup>5</sup> per quod, aa, β, δ. <sup>6</sup> commoratus est, aa. <sup>7</sup> huc, β. <sup>8</sup> predictis, aa, β, δ. <sup>9</sup> Note from aa, β, γ, κ. Text from γ collated with the others. <sup>10-11</sup> et, δ; aa, β omit. <sup>12</sup> subtraxit, aa; subtravit β; abtra it, δ. <sup>13</sup> Reported by aa, β, γ, δ, κ. Text from γ collated with aa, β, δ. κ is uncollatable with the others and reads:

Item presentatum fuit quod quidam versus gaolam ductus evasis ad ecclesiam, et quia custodes de quorum custodia evasis inveniunt pauperes secundum quod testatum per juratores, judicium super hundredum. It predictus felo abjuravit regnum, et quia non compertum per recordum coronatoris, ideo adjudicatur evasio super hundredum.

<sup>14</sup> ejusdem, aa, β. <sup>15</sup> ipsum, aa, β. <sup>16</sup> Note from aa, β, γ, δ, κ. Text from γ collated with aa, β, δ, κ. Side note from β. <sup>17</sup> cum quis, aa, β, δ. <sup>18</sup> braceas, aa, β, δ. <sup>19</sup> nichil, aa; nil β; ne, δ. <sup>20-21</sup> quid captum restituatur, et oneretur vicecomiti et coronator amercietur, δ. <sup>22</sup> quid capiant, aa, κ; quid capiat, β. <sup>23-24</sup> κ omits. <sup>25</sup> restituent, aa; restituit, β. <sup>26-27</sup> κ omits. <sup>28</sup> Note from aa, β, γ, δ, κ. Text from γ collated with aa, β, δ, κ. <sup>29</sup> aa, δ add fuerit; β, fuit. <sup>30-31</sup> eo quod debet fieri, aa, β; unde debet fieri, δ, κ. <sup>32</sup> δ, κ omit. <sup>33</sup> Reported by aa, β, γ, δ, κ. Text from γ collated with the others. Side note from β. <sup>34-35</sup> Quidam Johannes de Conewey, aa, β; Quidam, κ.





his throat cut nearly through, yet being alive. Him the said C. took and carried to B., within the county of Kent, and there, by reason of his said wound, the man died. The jurors found that a certain P. had killed him; wherefore the Justices sent their writ to the Sheriff of Sussex charging him to take that same P., being at large within the said county, and to send him here before the Justices here etc.

If one that hath been indicted for stealing goods to the value of twelvepence halfpenny be acquitted of this, and it yet be found that he absconded, his chattels are confiscate.

<sup>1</sup> Presentment was made that one slew a man and straightway fled to a church and abjured the realm. But, because this did not appear in the coroner's rolls, it was adjudged to be an escape. And because it was testified that the gaolers of that said felon were paupers the judgment was against the whole hundred. Afterwards it was presented that that same felon escaped to the church from the custody of those who were taking him to the gaol. And so there is a second judgment of escape in respect of one and the same felon.

Note that he that abjureth the realm shall keep his jacket, shirt and breeches, and whatsoever else he hath shall be confiscate; and neither the coroner nor any man of his shall take aught for fee; and if aught they take they shall make restitution to the King, and for such restitution shall the Sheriff be made answerable in the Eyre; and the coroner and his men shall be amerced.

How much  
a felon that  
lath abjured  
the realm  
shall have  
to clothe  
himself  
withal.

If one be indicted of some matter too small to bring him in danger of judgment of life and limb, even though he come not, yet shall he not be outlawed.

John of Oveney, a coroner, was convicted upon the suit of a certain

Judgment of  
a coroner  
that took  
half a mark

<sup>1</sup> Cf. a similar case on p. 88.



dimidium  
marce ut  
aliquis  
occidit  
aspiciatur.

dam mulieris quod cepit de ea dimidium marce antequam paciebatur  
maritum suum felonice occisum per quemdam extraneum sepeliri.  
Ideo restituatur<sup>1</sup> mulier<sup>2</sup> cum dampnis &c<sup>3</sup> & Johannes<sup>4</sup> ad prisonam  
&c quousque finem fecerit.

<sup>5</sup> Nota quod si serviens<sup>6</sup> in servicio domini sui existens facit<sup>7</sup>  
feloniam & convincatur licet<sup>9</sup> post feloniam ipsum non recepitavit  
amerciandus est. Et causa est quia si cum eo non fuisset <sup>10</sup>in servicio<sup>10</sup>  
esset in Borgha & qui<sup>11</sup> convictus est<sup>12</sup> de felonia & sit in Borgha <sup>13</sup>tota  
Borgha<sup>13</sup> in misericordia. Eodem jure<sup>14</sup> quando <sup>15</sup>aliquis est ad<sup>15</sup>  
liberam plevinam.

Hic habetur  
quod una  
libertas non  
potest cog-  
noscere de  
latrocinio  
facto in alia  
libertate.

<sup>16</sup> Presentatum fuit quod quidam suspensus fuit cum manu opere <sup>17</sup>in  
quadam libertate<sup>17</sup> ad sectam ejusdam pro quodam equo extra liber-  
tatem illam furato & equus ille<sup>18</sup> per judicium sectatorum istius<sup>19</sup> curie<sup>20</sup>  
liberabatur sequenti.<sup>21</sup> Et quia sectatores non poterant<sup>22</sup> cognoscere  
de felonia extra jurisdictionem suam commissa ideo ad judicium super<sup>23</sup>  
sectatores <sup>24</sup>quod respondeant<sup>25</sup> de equo predicto & preceptum est  
vicecomiti quod venire faciat sectatores &c.<sup>26</sup>

<sup>27</sup> Cum quis ponitur in exigendo <sup>28</sup>causa felonie<sup>29</sup> catalla <sup>30</sup>confiscantur  
<sup>31</sup>contra est de<sup>32</sup> causa transgressionis.<sup>33</sup>

Quidam  
interfectus  
propter con-  
tentionem  
motum circa  
denarios  
questum si  
denarii sint  
Regis an non.

<sup>34</sup> A. percipiebat<sup>35</sup> quod quidam <sup>36</sup>Henricus ballivus suus<sup>37</sup> &c magnam  
summam pecunie tradidit cuidam W. custodiendam ad cujus domum  
idem A. veniebat <sup>38</sup>dicens quod illi denarii levati fuerunt de bonis suis<sup>39</sup> &  
petiit eos videri & dictus W. ei ostendebat<sup>40</sup> unde idem A. per visum  
vicinorum illos denarios sine contradictione dicti W. secum asportavit  
& predictus Henricus hoc percipiens venit ad illam<sup>41</sup> domum & petit &c

<sup>1</sup> restituat, aa. <sup>2</sup> κ adds id quod cepit; id quod recepit, aa, β. <sup>3</sup> cum  
dampnis suis, aa, β. <sup>4</sup> dictus Johannes, aa, β; ipse, κ. <sup>5</sup> Note from aa, β,  
γ, δ, κ. Text from γ collated with the others. <sup>6</sup> aa, β, δ add alienus;  
κ adds aliquis. <sup>7</sup> fecit, aa; faciat, β. <sup>8</sup> convictus sit quamvis, aa, β.  
<sup>9</sup> quamvis, δ. <sup>10-11</sup> δ, κ omit. <sup>11</sup> quia, δ. <sup>12-13</sup> convincatur, aa, β.  
<sup>13-14</sup> totum borghaldre, aa, β. <sup>14</sup> modo, aa, β, κ. <sup>15-16</sup> aliqui recipiuntur in,  
aa, β, κ; aliqui recipiunt in, δ. <sup>16</sup> Reported by aa, β, γ, δ, θ, κ. Text from γ  
collated with aa, β, δ, κ. Side note from β. <sup>17-18</sup> κ omits. <sup>19</sup> iste, aa.  
<sup>19</sup> illius, aa, β. <sup>20</sup> libertatis, κ; δ omits. <sup>21</sup> illi qui sequebatur, aa, β, δ;  
illi qui sequitur, κ. <sup>22</sup> poterunt, aa, β. <sup>23</sup> κ omits; aa, β add istos.  
<sup>24-25</sup> δ omits. <sup>25</sup> ad respondendum, κ. <sup>26</sup> Note from aa, β, γ, δ, θ, κκ. Text  
from γ collated with aa, β, δ, κκ. <sup>27-28</sup> κκ omits. <sup>29-30</sup> sua debent confiscari  
si catalla fuerint feloni, κκ. <sup>31-32</sup> secus est, aa, β; secus est si, δ. <sup>33</sup> Reported  
by aa, β, γ, δ. Text from γ collated with aa, β, δ. Side note from β. aa, β  
begin Quidam A. <sup>34</sup> Presentatum fuit, δ. <sup>35</sup> aa, β omit. <sup>36</sup> ejusdam A., δ.  
<sup>37-38</sup> et dixit quod denarii qui ibi fuerunt de bonis suis sunt levati, δ; aa, β read  
the same with the exception of fuerunt as the penultimate word. <sup>39</sup> ostendit, aa,  
β. <sup>40</sup> predictum, aa, β.



woman of having taken from her the sum of half a mark before that he would allow her husband, that had by a certain stranger been feloniously slain, to be buried. So the Court orders that John make restitution to the woman, together with damages etc. ; and, besides this, that he go to prison etc., till he have made fine.

that a certain man that had been slain might be buried.

Note that if a servant while in the service of his master commit a felony and be convicted thereof, his master shall be amerced, even though he took not such servant back into his service after the commission of such felony. And the reason of this is that if such servant had not been in the service of a master he would have been within the borough, and the whole borough is in mercy when one who is of it is convicted of felony. And a similar rule applies when a man is liberated on bail without pledges.

Presentment was made that in a certain liberty was a man hanged at the suit of a certain other for that he had stolen a horse, such horse being stolen outside that same liberty, and being found in his possession. By the judgment of the suitors of that same court was the said horse delivered to the prosecutor. But because the said suitors had no jurisdiction to make recognition of felony committed outside the said liberty, to judgment of those same suitors that they be answerable for that same horse. And the sheriff is charged that he have hither those suitors etc.

If it was held that a liberty could not make recognition of a felony done in another liberty.

When one is put in exigent by reason of felony his chattels are confiscate ; but this is not so in the case of one put in exigent for trespass.

It came to the knowledge of A. that a certain Henry, his bailiff etc. had handed a large sum of money to a certain W., that the said W. might keep it in safe custody in his house. The said A. went to the said W. and told him that the said money had been abstracted from the moneys of him, the said A., and asked to see the coins in W.'s possession. These the said W. showed to him, and after inspection of them by the neighbours, the said A. took possession of them, with the full consent of the said W. When the aforesaid Henry heard of this, he goes to that same house and asks etc. and by reason of

In a quarrel about certain coins was a certain man killed, and the court will consider whether such coins are confiscate to the King or not.



& per litem motam ratione dictorum denariorum quemdam hominem occidit & fugit Ideo ad iudicium an dicti denarii sint domino regi an non.

<sup>1</sup> Quidam indietatus de feloniam<sup>2</sup> & inculpatus inde<sup>3</sup> dixit quod dominus rex<sup>4</sup> condonavit &c & inde cartam suam protulit<sup>5</sup> que voluit condonacionem &c <sup>6</sup> pro servicio suo<sup>7</sup> in exercitu guerra Vasconie impenso & carta fuit allocata sed dictum fuit ei quod faceret eos habere breve domini regis ad testificandum ipsum esse in eodem servicio<sup>8</sup> prout carta sua voluit & interim in prisona maneret. Sed <sup>9</sup>post ex gratia <sup>10</sup>domini regis<sup>9</sup> manu captus fuit.<sup>10</sup>

<sup>11</sup> Presentatum fuit quod quidam <sup>12</sup>ducens vacuum<sup>12</sup> carectam in via regia<sup>13</sup> ascendit super rotam<sup>14</sup> ut prunas colligeret & de eadem rota cecidit & statim obiit & quia testatum est quod nec equi nec carecta <sup>15</sup>movebantur<sup>15</sup> ideo tantum rota deodanda<sup>16</sup> domino regi.

<sup>17</sup> Presentatum fuit quod quidam A. fregit parcum B. & in eo cepit j damam. Indietatus presens fuit & posuit se super patriam. Jurati<sup>18</sup> dicunt quod fuit cum quodam qui occidit illam damam & postea <sup>19</sup>revertebatur domum<sup>19</sup> & misit ipsum<sup>20</sup> qui damam occidit<sup>20</sup> tamquam servientem suum <sup>21</sup>ad parcum predictum<sup>21</sup> post illam damam <sup>22</sup>qui intravit per portam parci unde<sup>23</sup> garenio parcarum eam<sup>24</sup> damam sibi<sup>24</sup> liberavit & postea in redeundo attachiatus fuit cum illa<sup>25</sup> dama. <sup>26</sup>Quesitus fuit<sup>26</sup> si scivit<sup>27</sup> dominum suum malo modo occidisse damam predictam qui dicit quod intellexit parcarum dedisse domino suo ipsam damam Ideo quietus.

<sup>28</sup> Quedam mulier dampnata pro<sup>29</sup> latrocinio & comperto quod pregnans <sup>30</sup>adjudicatur prisona<sup>30</sup> quousque peperisset Postea<sup>31</sup> fregit prisonam & fugit ad ecclesiam & per custodem gaole<sup>32</sup> extracta fuit ab ecclesia & ducta<sup>33</sup> coram justiciariis <sup>34</sup>& consideratum<sup>35</sup> fuit<sup>36</sup> quod ipsa

<sup>1</sup> Reported by aa, β, γ, δ, κ. Text from γ collated with the others. <sup>2-3</sup> δ, κ omit. <sup>4</sup> κ adds inde. <sup>5</sup> protexit, aa, β, δ. <sup>6-7</sup> κ omits. <sup>8</sup> exercitu. κ. <sup>9-10</sup> postea Justiciariis manueptus est &c, v. <sup>11-12</sup> justiciariorum, κ. <sup>13</sup> Reported by aa, β, γ, δ, κ, ρ. Text from γ collated with aa, β, δ, κ. <sup>14-15</sup> conduxit quamdam, aa; duxit quamdam, β, δ; produxit quamdam, κ. <sup>16-17</sup> aa, β, δ, κ add et cum vidit prunas pendentes super arbores [arbores δ]. <sup>18-19</sup> aa, β, δ, κ add carecte sue. <sup>20-21</sup> se movebant, aa, β. <sup>22</sup> de eodem, aa. <sup>23</sup> Reported by aa, β, γ, δ. Text from γ collated with the others. <sup>24</sup> Juratores, aa, β. <sup>25-26</sup> recessit ad domum suam, aa, β, δ. <sup>27-28</sup> J., aa, β, δ. <sup>29-30</sup> from aa, β, δ. <sup>31-32</sup> eandem, aa, β. <sup>33</sup> ei, aa, β. <sup>34</sup> predicta, aa, β. <sup>35-36</sup> Quesitus, aa, β; quesivit, β. <sup>37</sup> sciunt, aa. <sup>38</sup> Reported by aa, β, γ, δ, ζ, θ, κ, κκ. Text from γ collated with aa, β, δ, ζ, κ, κκ. <sup>39</sup> aa, β, δ, ζ add quodam. <sup>40-41</sup> iudicium quod remittatur gaole, ζ. <sup>42</sup> from the other texts. <sup>43</sup> ad prisonam, ζ. <sup>44</sup> aa, β, δ, ζ add fuit. <sup>45-46</sup> δ omits. <sup>47</sup> visum, δ.





proceedings taken in relation to the said moneys he kills a certain man and flees. Therefore to judgment whether those same moneys are confiscate to our lord the King or not.

A certain man was indicted of felony and found guilty thereof. He said that our lord the King had granted him his pardon etc., and produced the King's charter thereof, setting out a pardon etc. by reason of service with the army during the war in Gascony. This charter was received, but the said man was told that he must furnish the Court with a letter from our lord the King certifying that he, namely, this man himself, had served in the army as set out on the charter, and that, in the meanwhile, he must remain in prison. Afterwards, however, he was released on bail by favour of our lord the King.

Presentment was made that a certain man who was driving an empty cart along the King's highway stood upon the wheel to gather berries; and that he fell off the said wheel and straightway died. And because it was shown in evidence that neither the horses nor the cart moved, therefore the wheel only is deodand to our lord the King.

Presentment was made that one A. broke the park of B. and one doe therein being did take. He appeared on indictment, and put himself on the country. The jurors say that he was in the company of another man, which other man actually killed the said doe; and that afterwards he, the said A., returned home, and he that killed the doe sent him, A., as his servant, to the aforesaid park to bring away the said doe; and that he, A., entering by the gate of the park, received that same doe at the hands of the under-gamekeeper; and afterwards, on his way back from the park, was attached with the doe in his possession. Being asked if he knew that his master had unlawfully killed that same doe, he says that he understood that the doe was given to his master by the gamekeeper. So he goes quit.

A certain woman was convicted of larceny; and, being found upon inquisition to be with child, she was committed to prison to await her delivery. In the meantime she escaped and fled to a church, from which church she was taken by the gaoler. Being brought before the Justices, these are of opinion that she must be taken back to the



reduceretur<sup>1</sup> ad ecclesiam & postea abjuravit regnum & custos ad iudicium.

<sup>2</sup> Presentatum fuit quod Thomas vicarius Ecclesie de Lymene occidit capellanum<sup>3</sup> suum<sup>4</sup> infra iter<sup>5</sup> & statim fugit. Coronator venit ad suum officium faciendum. Quidam summonitor<sup>6</sup> ejusdam officialis sequestravit omnia catalla dicti vicarii & hostia domorum servit<sup>7</sup> ita quod coronator ea videre non potuit nec officium suum debito modo facere. Et id<sup>8</sup> fecit per preceptum officialis predicti. Quiquidem officialis<sup>9</sup> super hoc allocutus dicit quod <sup>10</sup>per ipsum non fuit &c factum<sup>10</sup> Similiter<sup>11</sup> dicit quod <sup>12</sup>non impedivit coronatorem<sup>13</sup> &c & posuit se &c<sup>14</sup> Jurati dicunt quod non per preceptum officialis ideo ipse quietus. <sup>15</sup>De summonitore<sup>16</sup> dicunt quod ipse<sup>17</sup> impedivit <sup>18</sup>officium coronatoris<sup>19</sup> et predicta bona sequestravit.<sup>20</sup> Ideo summonitor<sup>21</sup> ad prisonam &c.<sup>22</sup>

#### Note from Eyre Roll.

Postea Coronator et similiter Jurati testantur quod Nicholaus le somonour per preceptum Magistri Ricardi de Hoo officialis Cantuarie vetuit Coronatorem et similiter xij de Inquisitione per quam etc. quod non potuerunt intrare nec videre catalla predicti Thome aliquo modo ea appreciare. Ideo preceptum est vicecomiti quod venire faciat predictum Nicholaum etc. Postea venit predictus Nicholaus et dicit quod predictus Coronator et similiter jurati predicta catalla potuissent vidisse si voluissent et quod non vetuit eis ingressum sicut presentatum petit quod inquiratur per patriam. Et Jurati dicunt super sacramentum suum quod predictus Nicholaus non permisit predictos Coronatorem et Juratos habere ingressum ad predicta

<sup>23</sup> Jurati presentant quod Reginaldus de Tyresers qui prius indicatus fuit & positus in exigendo in isto itinere & Henricus frater ejus Johannes de Guldeford & Johannes Prebbel in vigiliis sancti Nicholai proximo preteritis infra summonitionem itineris noctanter depredati fuerunt Ricardum Alryn in hundredo de Blakebourne de bonis suis ad valenciam xx marcarum &c postmodum idem Reginaldus & alii noctanter

<sup>1</sup> reducerent,  $\delta$ . <sup>2</sup> Reported by *aa*,  $\beta$ ,  $\gamma$ ,  $\delta$ ,  $\zeta$ ,  $\kappa\kappa$ . Text from  $\gamma$  collated with the others. <sup>3</sup> clericum,  $\kappa\kappa$ . <sup>4</sup> *aa*,  $\beta$ ,  $\kappa\kappa$  omit. <sup>5</sup> infra itinere, *aa*,  $\beta$ ; post summonitionem itineris,  $\kappa\kappa$ . <sup>6</sup>  $\delta$  adds de hundredo;  $\zeta$  adds Simon. <sup>7</sup> servavit,  $\zeta$ . <sup>8</sup> hoc, *aa*,  $\beta$ . <sup>9</sup> *aa* omits; coronator,  $\delta$ . <sup>10-10</sup> non preceptum,  $\kappa\kappa$ . <sup>11</sup> Summonitor, *aa*,  $\beta$ ; Simon,  $\zeta$ . <sup>12-13</sup> induit coronator officium suum facere ut prius fuit,  $\delta$ . <sup>13-14</sup> officium suum facere ut presentatum fuit, et de hoc posuit se super patriam,  $\zeta$ . <sup>15-22</sup> et summonitor allocutus dixit quod non impedivit etc. qui inventus fuit culpabilis, ideo summonitor ad prisonam et omnia catalla vicarii licet sunt in feodo ecclesiastico confiscantur,  $\kappa$ . <sup>16</sup> Simone,  $\zeta$ . <sup>17</sup> from  $\delta$ . <sup>18-19</sup> from  $\beta$ . <sup>19-20</sup>  $\gamma$  has &c. <sup>20-21</sup> from  $\delta$ . <sup>21-22</sup> et predicta bona sequestrantur, ideo predictus Simon,  $\zeta$ . <sup>23</sup> Reported by  $\gamma$  only. Proper names corrected by E. R.



church. Afterwards she made abjuration of the realm ; and the gaoler was put under judgment.

Presentment was made that Thomas, vicar of the Church of Lyminge, slew his chaplain during the continuance of the Eyre, and straightway fled. The coroner went to perform his office. A certain summoner of a certain official sequestered all the chattels of the aforesaid vicar, and locked the doors of the house so that the coroner could neither view the said chattels nor execute his due office. And this that said summoner did in obedience to a precept from the aforesaid official. And upon that same official being charged therewith, he said that such acts were not done by reason of any precept sent by him ; and he further said that he had not impeded the coroner etc., and he put himself etc. The jurors say that what was done was not done by reason of any precept from this same official ; and so he goes quit. As touching the summoner, they say that he did impede the coroner in the execution of his office and did sequester the aforesaid chattels. So this summoner is committed to gaol.

*Note from Eyre Roll—continued.*

catalla supervidenda et aprecianda Immo eis ingressum vetuit sicut presentatur. Ideo idem Nicholaus custodiatur. Postea Jurati quesiti si predictus Nicholaus hoc fecerit per preceptum predicti Magistri Ricardi Officialis etc. dicunt quod non, sed premissa fecit auctoritate sua propria absque aliquo precepto predicti Magistri Ricardi etc. Postea Nicholaus de Bonyntone Coronator recordatur quod Henricus atte Stone propositus emit post predictam feloniam factam de bonis predicti Thome vicarii etc. j cistam j forcerium et j patellam encam ad valenciam xx s. Ideo preceptum est vicecomiti quod venire faciat predictum Henricum propositum etc. Postea venit predictus Nicholaus le Somenour, et finem fecit pro predicta transgressione per xl d. per plegium Magistri Ricardi de Hoo. Postea predictus Henricus non venit. Et Jurati in nullo malecredunt predictum Henricum scientem de feloniam predicta, sed quia cepit predicta catalla sine Waranto ideo in misericordia.

The jurors present that Reginald of Tickenhurst, who was on an earlier day during this Eyre indicted and put in exigent, and Henry, his brother, and John of Guildford and John Prebbel, upon the eve of St. Nicholas last past, and within the jurisdiction of the Eyre, one Richard Allen within the hundred of Blackbourne of his goods and chattels to the value of twenty marks etc. by night did rob ; and that afterwards the said Reginald and others by night did go to the house



venerunt ad domum Johannis de Beteringdene constabularii pacis in hundredo de Selbrytindenn ad ipsum videndum quia idem R. audierat quod idem constabularius warantum habuit pro eo capiendū & hutesio levato statim fugit. Postea die Jovis idem R. misit quemdam Johannem Ysoude notorium exploratorem suum in feloniam faciendam de societate sua ut quereretur opportunitatem quando idem R. eundem constabularium posset interficere qui quidem constabularius inde premunitus arestavit dictum Johannem Ysoude in villa de Neuendene eo quod fuit de societate dicti Reginaldi & pro suspitione latrocinii & diversorum depredationum &c. Predictus Reginaldus hoc audiens venit cum suis iij sociis predictis ut eundem Johannem a custodia illa abstraheret & abduceret & predictum constabularium occideret & dictus constabularius imponens eidem Reginaldo manus voluit ipsum attachiare sed idem Reginaldus de manibus suis evasit & tenso arcu voluit dictum constabularium sagittasse sed ita celeriter insecutus etiam hutesio levato per dictum constabularium & alios in dicta villa de Neuendene quod fugit nec se vertere potuit ad sagittandum. Qui Reginaldus & socii sui per dictum constabularium moniti quod paci regis se redderent noluerunt sed sicut latrones & depredatores fugerunt & sicut tales insecuti fuerunt. Idem constabularius alias dictum Reginaldum cepisse voluit qui sagittam arcu suo imponens voluit predictum constabularium sagittasse. Sed superveniens Johannes de Hathelsesseye quoddam baculo ipsum Reginaldum percussit in capite ita quod illo ictu obiit. Alii etiam in fugiendo continue insecuti fuerunt hutesio levato & tandem J. de Gildeford fugiendo vulneratus est ita quod iiij die obiit per predictum J. de Hathelsesseye. Jurati quesiti si sic Johannes de Hathelsesseye & alii insequentes fugientes potuerunt eos alio modo vivos acceperisse dicunt quod non. Et quia compertum est per priora indictamenta de itinere quod predictus Reginaldus fuit latro notorius & depredator in exigendo positus & quod postea idem Reginaldus & socii sui depredati fuerunt Ricardum Aleyn & quod voluit &c. eundem Johannem Ysoude abduxisse qui fuit latro & de societate eorum & quod idem Reginaldus se paci regis reddere noluit sed evadendo post attachiamentum fugam cepit & tam ipse Reginaldus quam predictus J. de Gildeford in fugiendo de pace tanquam felones occisi fuerunt predictus J. de Hathelsesseye de morto





of John of Bethersden, constable of the peace, in the hundred of Selbrihtenden, to see the said John, as the said R. had heard that the said constable held a warrant for his arrest; and hue and cry being thereon raised, he, the said R., straightway fled. On the following Thursday the said R. sent out a certain John Isoude, that was notoriously his spy and accomplice in the commission of felonies, that he, the said John, might discover when the said R. might best have opportunity to slay that same constable. That said constable, however, being warned thereof, arrested the said John Isoude in the town of Newenden for that he was an associate of the said Reginald, and on suspicion of larceny and divers robberies etc. When the aforesaid Reginald hears of this, he comes with three of his aforesaid associates to rescue and carry off the said John from the custody of the said constable, and that same constable to kill. Thereupon the said constable laid hands upon the said Reginald and attempted to arrest him; but the said Reginald escaped from his hands, and, bending his bow, attempted to shoot the said constable; but, hue and cry being raised, he was so hotly pursued by the said constable and others of the said town of Newenden that he fled before he could shoot an arrow. The said Reginald and his associates received monition from the said constable that they should render themselves to the King's peace, but they would not, and as thieves and robbers they fled, and as such were they pursued. At another time when the said constable attempted to arrest the said Reginald, he, the said R., fitting an arrow to his bow, would have shot the aforesaid constable, if John of Hastingleigh had not come up and struck the said Reginald so severe a blow on his head with a bludgeon that from that blow he died. The others fled, and hue and cry being raised, they were hotly followed, and at length John of Guildford, one of those so fleeing, was wounded by the said J. of Hastingleigh, so that on the fourth day thereafter he died. The jurors were asked whether John of Hastingleigh and the other pursuers could in any way have taken these men alive. They say that they could not. And since it is found by indictments taken previously in Eyre that the aforesaid Reginald was a notorious thief and robber, and as such was put in exigent; and that afterwards the said Reginald and his associates had robbed Richard Allen, and had attempted to rescue the aforesaid John Isoude, that was a robber and of their company; and that this same Reginald would not render himself to the peace of the King, but, escaping after he had been arrested, took flight; and that consequently, both that Reginald and the aforesaid J. of Guildford were killed as felons that were fleeing from the peace; therefore it is adjudged that the aforesaid J. of Hastingleigh go quit of their death.



eorum quietus sit. Catalla predicti Reginaldi xx li. xvij s. unde vicecomes respondet & Henricus atq. Gato cepit partem predictorum catallorum sine waranto ideo in misericordia. Primus inventor & ij vicini veniunt & non malecreduntur & Ricardus Saundre & Nicholas Reynbard ij vicini non venerunt nec malecreduntur & Ricardus fuit attachiatus &c. Ideo in misericordia &c.

### FELICIA GERVAYS v. BARKER ET ALIOS.

#### Note from Plea Roll.

(PLACITA APUD WESTMONASTERIUM DE TERMINO SANCTI HILLARII  
19 EDWARD I.)

Reginaldus filius Roberti le Barker de Stamford Petrus de Londoniis et Willelmus de Hoxen attachiati fuerunt ad respondendum Felicie que fuit uxor Johannis Gervays de Stamford de morte predicti Johannis quondam viri sui unde eos appellat etc. Et unde predicta Felicia appellat predictum Reginaldum de morte predicti Johannis quondam viri sui Et dicit quod ubi predictus Johannes fuit in pace domini Regis nunc die Jovis in festo Sancti Andree anno Regis nunc decimo nono hora vespertarum in quodam vico Regali versus pontem ad decem pedes de scalaris cimiterii ecclesie Beate Marie versus orientem ibi venit predictus Reginaldus feloniter ut felo insultu premeditato extra predictum cimiterium et in ipsum Johannem feloniter insultum fecit et de quodam gladio de Cologne ipsum Johannem percussit in dextra parte graue capitis ad septem polices de graua unde fecit ei quendam plagam longitudinis septem policum et profundam usque ad cerebrum de qua plaga die lune sequente predictus Johannes obiit inter brachia predictae Felicie et quod hoc fecit nequiter et in feloniam et in assultu premeditato offert etc. Sicut femina versus hominem etc.

Et predictus Reginaldus modo venit et defendit mortem et omnem feloniam et quicquid est contra pacem etc. et petit sibi allocari quod ipsa Felicia non dicit in appello suo certum diem nec certum locum quando et ubi [ut] predicta Felicia fieri debuit quia dicit quod duo festa sunt in anno de Sancto Andrea videlicet unum de Passione et aliud de Translatione ipsius. Dicit etiam quod due sunt ecclesie de Beate Marie in Stamford videlicet una in Bonewercks et alia versus pontem. Et hiis sibi allocatis consideratum est quod appellum ejus nullum, per quod etc. Et quod predictus Reginaldus quo ad sectam ipsius Felicie est quietus, et predicta Felicia custodiatur pro falso appello etc. Et predictus Reginaldus quesitus qualiter se velit acquietare de predicti morte quo ad sectam domini Regis dicit quod clericus est et quod non debet hic inde respondere. Et super hoc venit Archidiaconus Westmonasteriensis et petit ipsum tanquam clericum, set ut sciatur qualiter ei liberetur inquiratur rei veritas per patriam. Ideo preceptum est vicecomiti quod venire faciat hic a die Pasche in xv. dies xij etc. per quos etc. Et qui nec etc. ad recognizandum in forma predicta etc. Et predictus Reginaldus interim custodiatur. Postea ad diem illum



The chattels of the aforesaid Reginald are worth twenty pounds and seventeen shillings, for which the sheriff is answerable. Henry at Gate took part of the said chattels without warrant; so he is put into mercy. The first tunder and two of the neighbours come and are not suspected. Richard Saunders and Nicholas Reynbard, the other two neighbours, do not come, neither are they suspected. Richard was attached etc., and so he is put into mercy.

**Note from Plea Roll—continued.**

veniunt Juratores qui dicunt super sacramentum suum quod quidam Galfridus le Barker predictis die et anno per contencionem que fuit inter ipsum et predictum Johannem Gerveys percussit predictum Johannem in ventrem cum quodam cultello et postea predictus Johannes secutus fuit predictum Galfridum cum quadam barra cuiusdam ostiarii et ipsum occidisse voluit. Et post venit predictus Reginaldus et percussit predictum Johannem in capite cum quodam gladio qui quidem Johannes quinto die sequente de predictis plagis obiit. Et quia per veredictamentum etc. convictum quod predictus Reginaldus percussit predictum Johannem et plagam ei fecit sicut predictum est per quod idem Johannes propinquior fuit morti. Ideo predictus Reginaldus liberatur ordinario ut culpabilis etc. Et quia ordinarius modo non venit ad ipsum petendum ideo liberatur gaole custodiendus quousque etc. Postea venit predictus Archidiaconus et ipsum petit etc. et liberatur etc. Sub pena qua decet etc.

Eadem Felicia appellat predictos Petrum de Londiniis et Willelmum de Hoxen quod ipsi fuerunt predictis die anno et loco cum predicto Reginaldo ad occidendum predictum Johannem virum suum, et hoc offert etc.

Et Petrus et Willelmus veniunt et defendunt etc. et petunt iudicium si debeant respondere de vi et auxilio antequam factum convincatur. Ideo ipsi custodiantur quousque etc. Postea venit Petrus de Londiniis et Willelmus de Hoxen et finem fecerunt quod possint esse per plegium per marcam, et supervenerunt [*here follow the names of twelve pledges*] et manuceperunt ipsos habendi hic a die Pasche in xv. dies etc. Post venit predicta Felicia et finem fecit pro falso appello versus predictum Reginaldum per dimidiam marcam per plegium. Postea ad diem alium veniunt predicti Petrus et Willelmus et quesiti qualiter se velint de predicto auxilio acquietare dicunt quod clerici sunt etc. et salvo eis privilegio clericali dicunt quod in nullo sunt inde culpabiles etc. Ideo inquiratur per predictam Juratam etc. Juratores dicunt super sacramentum suum quod predicti Petrus et Willelmus in nullo sunt inde culpabiles. Ideo recedant inde quieti. Et preceptum est vicecomiti quod inquirat de abettatoribus et illos attachiet quod sint hic in octabis Sancti Johannis Baptiste etc.



Appellum  
uxoris de  
viro  
interfecto.

<sup>1</sup> Felice qi feust la femme Jon <sup>2</sup> Gerveys de Statford<sup>3</sup> appella<sup>4</sup> Richard le fitz Robert<sup>5</sup> de la mort lavaunt dit Johan<sup>6</sup> soun baroun <sup>6</sup>ociz entre ses braz<sup>7</sup> qe<sup>8</sup> lavaunt dit Jon fust en la pees dieu & en la pees nostre seignur le roi <sup>9</sup>E. fitz &c<sup>10</sup> Jendy en la feste seynt Andrew lan de son <sup>9</sup>coroune xvij<sup>11</sup> al hoire de mydy<sup>12</sup> en la ville de Staford en la rue qe est appelle &c<sup>13</sup> devant leschaler de lesglise nostre dame en mesme la ville a x pies de la eschaler la vynt cely Richard felonousement com feloun & ly asaili de felonouses paroles & des mauveys &<sup>14</sup> dune espeie qest appele Broch<sup>15</sup> ly feri en la teste en la partie destre pres de la greue & lui fist une playe del longur de iiij pouz & de la laeur <sup>16</sup>&c & droit en<sup>17</sup> la perfoundesse jeques a la cervelle de la qele playe meynenant il moruet entre les braz lavaunt dite Felice & Felice qaunt ele vist son baroun mort freschement<sup>18</sup> heu & crie & siwy <sup>19</sup>de veisyn a veisyn & a Bailif de Bailif & as coroners &<sup>20</sup> a la court le roi jeques a taunt qil fust atache a sa soute a respondre de la mort lavant dit Jon & si Richard soit tiel qil voile ceste felonie dedire prest est Felice a prover en qaunt qe la court le roi agarde qe prover le doit sicome femme vers homme.

Richard <sup>21</sup>le fitz R.<sup>22</sup> de Statford qi ci est defend tort & force & tute manere de felonie<sup>23</sup> & de homicide & qaunt quest countre la pees nostre seignur la<sup>24</sup> roi & sa coronne & sa dignete & vous dit qil est clerk & membre de seint esglise & ne veut ne ne peut seynte esglise vyoler mais sauve lui soit lestat de seint esglise & la lowaunce de son appel volunters respoundra.

Sire la ou Felice ad countee en son appel vers Richard<sup>25</sup> qil dust ceste felonie aver fet le Jendy en la feste <sup>26</sup>Sainte Andre,<sup>27</sup> il y ount ij festes de <sup>28</sup>Sainte Andre<sup>29</sup> lun devant le Nowel & lautre en May<sup>30</sup> & ele en son counte<sup>31</sup> nad mie especifie<sup>32</sup> quele fest ceo fuste<sup>33</sup> & de cele omission demande alowaunce & la ou ele dist qe la felonie deust estre fet devant leschaler<sup>34</sup> de nostre Dame de Statford il y ount ij esglises de nostre Dame <sup>35</sup>en Statford<sup>36</sup>. La une est apele lesglise nostre Dame de point & lautre lesglise de nostre Dame <sup>37</sup>de Ley<sup>38</sup> & ele nad mie especifie<sup>39</sup> quele eglise ceo fust<sup>40</sup> & de cel omission demande &c. Peus apres en son

<sup>1</sup> Reported by γ, εε, κκ. Text from γ collated with the others. εε has in margin: Appel de femme de soun baroun occis entre sez braz. <sup>2-3</sup> Gervois de Statford. κκ. <sup>4-5</sup> Robert de Bois, κκ. <sup>6</sup> Robert de Statford, εε. <sup>7</sup> from εε, κκ; γ has A. <sup>8-9</sup> κκ omits. <sup>10</sup> εε adds la ou. <sup>11-12</sup> κκ omits. <sup>13-14</sup> regne etc. xx., γ has A. <sup>15</sup> prime, κκ. <sup>16</sup> εε adds puis. <sup>17</sup> from εε, κκ; γ has Boch. <sup>18-19</sup> de un pouz et demi et, εε; de deux pouz, κκ. <sup>20</sup> κκ adds leua. <sup>21-22</sup> des voisins as baillifs, des baillifs al coroner, puis, κκ. <sup>23-24</sup> κκ omits. <sup>25</sup> Robert, εε. <sup>26-27</sup> from κκ; γ has &c. <sup>28-29</sup> κκ adds et assautz. <sup>30</sup> sic. lo, εε. <sup>31</sup> Robert, εε. <sup>32-33</sup> from εε; γ has &c. <sup>34-35</sup> from κκ. <sup>36</sup> κκ adds sa translation. <sup>37</sup> appel, κκ. <sup>38-39</sup> from εε; γ has &c. <sup>40</sup> εε adds de leglise. <sup>41-42</sup> κκ omits. <sup>43</sup> meisme la ville, εε. <sup>44-45</sup> from κκ. <sup>46-47</sup> from εε; γ has &c.





Felicia that was wife of John Gervaise of Stamford appealed Richard the son of Robert of the death of the aforesaid John her husband, slain within her arms. The aforesaid John was in the peace of God and in the peace of our lord King E. the son etc., upon the Thursday that was the feast of St. Andrew in the seventeenth year of the said King's reign; and about the hour of noon on that said day he was in the town of Stamford in the street that is called etc. in front of the steps of the Church of Our Lady in that same town, some ten feet away from these same steps. Thereupon came up the aforesaid Richard, feloniously and as a felon, and him the said John, with felon words and wicked did assail, and with such a sword as men call a 'brooch' he smote him upon the head, upon the right side thereof and near unto the jaw, and there did inflict upon him a wound that was four inches in length and in breadth was etc. and in depth did reach to the brain. And of this wound the said John straightway died within the arms of the said Felicia; and Felicia, as soon as she did see that her husband was dead, raised hue and cry, and followed it from neighbour to neighbour, and from bailiff to bailiff, and to the coroners and to the King's court, until that the said Richard was at her suit attached to answer for the death of the aforesaid John; and now if Richard be of a mind to deny this felony, here is Felicia ready to prove it against him in such manner as the King's Court shall judge it meet that a woman prove an appeal against a man.

Appeal by a  
wife for the  
slaying of  
her husband.

Richard the son of R. of Stamford, who is here, defends wrong and force and all manner of felony and homicide, and whatever be against the peace of our lord the King and his crown and his dignity; and he tells you that he is a clerk and a man of Holy Church; and the rights of Holy Church he wills not to violate, nor can he; but, saving to him his status of the Church's man, and the allowance of his appeal, right willingly will he make answer.

Sir. Felicia has counted in her appeal against Richard that he committed this felony on the Thursday that was the Feast of St. Andrew. Now there are two feasts of St. Andrew, the one falling just before Christmas, and the other in May; and Felicia has not specifically stated in her appeal to which of these two feasts she refers the date of the commission of the felony; and by reason of this omission we claim abatement of the appeal. Again, Felicia says that this felony was done before the steps of the Church of Our Lady at Stamford. Now there are two churches of Our Lady at Stamford; one of which is known as the Church of Our Lady by the bridge, and the other as the Church of Our Lady in the fields [?]. Felicia has not specified to which of these two churches she refers; and by reason of this omission



appel ele dit qe a x piez de la eschaler ceo nest mie certain lieu assigne qar il ount x peez vers le West & x piez vers le South<sup>1</sup> & x pees vers le est<sup>2</sup> & de cel omisioun &c E la ou ele dist qil lui ferist en la teste dune espeie<sup>3</sup> broche ele nad mie dit dount 'le aumail<sup>4</sup> feust ou de feer ou dasser &c & de ceo demandoms &c. E la ou ele dist qil lui fist une playe de la part destre pres de la greue, Sire<sup>5</sup> ceo nest mie certain lieu assigne saunz ceo qe ele neust dit ou<sup>6</sup> ij pouz ou iij del frount ou del haterel ou del oraile destre<sup>7</sup> & de cel omisioun demande &c. E la ou ele dit qil morust maintenant entre ses braz la dust ele avoir done certain noun a lui de baptesme come al comencement de son apel & de ceo &c. E la ou ele appelle son Baroun Jon Gervais ele dust aver dit Jon le fitz Gervais<sup>8</sup> & assigne qi fist<sup>9</sup> il estoit<sup>8</sup> & sauve lui soit sa clergie & l'estat de seinte Eglise & de ceo obliaunce demandoms alowaunce &c.

Appel de  
rescet.<sup>10</sup>

Mesme cele Felice de mesme les paroles appella Richard de Loundre<sup>11</sup> qil maintenant apres la felonie fete lui recettea felonousement com feloun & si son recet<sup>12</sup> must este il ust este pris & arenne felonousement a sa sente & &c.

Appel de  
force et  
de eyde.<sup>10</sup>

Mesme cele Felice appela<sup>13</sup> Jon de Oxinton<sup>13</sup> par mesme les paroles de la force & del aide de mesme la felonie.<sup>14</sup>

<sup>15</sup>Richard & Jon<sup>15</sup> defendent force & eide & recettement & gaunt qest encountre la pees le roi & sa coronne & sa dignete & nentendoms mie qils devient respondre einz ceo qe les appelle de fait soit ateint.

JUSTICE<sup>16</sup> la ou vous appelez Richard<sup>17</sup> le fitz Robert<sup>17</sup> de la mort Jon vostre baroun ociz entre vos braz & en vostre appel avez counte qe il dust aver fet la felonie la Joedy le jour de Seint Andrew & vous navez mie especifie &c.<sup>14</sup> par qey de certain jour ne sumes nient ayse. Item<sup>19</sup> vous avez<sup>20</sup>counte qe lappel dust estre fet<sup>20</sup> devant lesglise de nostre

<sup>1</sup> Est, *ee*. <sup>1-2</sup> *ee omits*. <sup>3</sup> *kk adds* scilicet. <sup>4-4</sup> laminal, *kk*. <sup>5</sup> *ee adds* nous vous dioms qe. <sup>6</sup> *kk omits*. <sup>7</sup> *kk adds* ou senestre. <sup>8-8</sup> *kk omits*. <sup>9</sup> *sic*. <sup>10</sup> Side notes from *ee*. <sup>11</sup> *kk adds* de recettement. <sup>12</sup> recetioun, *kk*. <sup>13-13</sup> Richard de Oxon, *kk*. <sup>14</sup> *kk adds* qil la main destre J. son baroun tient tanqe R. de G. loccest et nust la force et leide de lui este J. son baroun la mort ust eschape. <sup>15-15</sup> Robert de Loundres et R. de Oxon. qi cy sont, *kk*. <sup>16</sup> *ee adds* Felice. <sup>17-17</sup> de G., *kk*. <sup>18</sup> le quel ceo fust des deux qy sont en lan, *ee*. <sup>19</sup> Et de autre part en vostre appeal, *ee*. <sup>20-20</sup> conu de felonie faite, *kk*.



likewise we claim abatement. Then again she speaks in her appeal of 'ten feet from the steps.' Now this is no certain laying of the place, for what she says might mean ten feet to the west or ten feet to the south or ten feet to the east; and by reason of this omission also we claim abatement of the appeal. And yet again, in alleging that Richard struck her husband on the head with a certain sword called a 'brooch,' she does not describe the matter of which the blade thereof was made, whether of iron or steel etc.; by reason of which further omission we claim abatement. And then, once more, Sir, Felicia says that Richard wounded her husband on the right side of his jaw. Now this is an uncertain and insufficient laying of the place of the wound. She ought to have said that it was two inches or three inches from the brow or from the neck or from the right ear; and so for this omission also we claim abatement of the appeal. Yet again, Felicia says that straightway 'he' died within her arms, whereas she ought to have described him by the definite and certain name given to him at his baptism, as he is described by her at the beginning of the appeal; and by reason of this also we claim abatement. Yet once again. Whereas she describes her husband simply as John Gervaise, she ought to have described him as John the son of Gervaise, and assigned his parentage, and for this omission we claim abatement. And, finally, we claim for Richard his clergy and privilege as Holy Church's man.

In the same form of words the same Felicia appealed Richard of London for that, immediately after the commission of the aforesaid felony, feloniously he did receive and harbour the said Richard, that was a felon; and by such receiving and harbouring did prevent the said Richard from being taken and arraigned for his felony at the suit of etc.

Appeal for  
receiving.

And in the same form of words did this same Felicia also appeal John of Oxford for aiding and abetting in the commission of the same felony.

Appeal for  
force and  
aid.

Richard and John defend force and aid and receiving and whatever else be against the peace of the King and his crown and dignity. And, Sir, we submit that they should not be called upon for their defence until the principal has been convicted.

**JUSTICE.** You have appealed Richard the son of Robert of the death of John your husband, slain within your arms, and in your appeal you have counted that the said Richard so slew your husband on the Thursday that was the Feast of St. Andrew, and you have not specified etc., to the effect that the Court is without certain day assigned. Further you have counted in your appeal that the felony for which



dame & ils iount ij esglises de nostre Dame en mesme la ville & vous navez especifie ne lun ne lautre & cheacun appel doit estre certain nomenment certain jour heure (sic) lieu & certain noun.<sup>1</sup> & certain fesor<sup>2</sup> issint qe<sup>3</sup> checune chose soit si certain<sup>3</sup> qe rien ne soit en noun certain<sup>4</sup> si agard &c<sup>5</sup> qe Richard soit assouz de vostre appel & vous a la prisone & si vous soiez en talent frechement de venger la mort vostre baroun siwz bref a vicounte de fere venir pays a tiel jour qe nous pensoms ataindre ceste felonie & Richard & Jon<sup>6</sup> appelez del eide & de force<sup>7</sup> demorgent jesques le fesor<sup>8</sup> soit ataint<sup>9</sup> par statut.<sup>9</sup>

Et<sup>10</sup> le fesor fust demande par ses ordinaires mes il ne fust mie livere<sup>11</sup> quia justiciarii dixerunt<sup>11</sup> qils voleient enquerir leqel il fust coupable ou noun & pur qey il serroit livere, mes sachez qe les autres furent meynpris<sup>12</sup> pur lourdonaut.

<sup>13</sup> Si homme soit mis en exigende<sup>14</sup> pur aucune felonie sil fust en diseyne jour de la felonie fete la diseyne serra amercie & sil ne fust mie en diseyne celui qi meynpast il est serra amercie.

<sup>15</sup> Nota de celui qi forjura<sup>16</sup> la terre &<sup>17</sup> le roialme le roi & peus prist un conter<sup>18</sup> del real chemyn & pur ceo qe trove fust qil lessa le real chemyn<sup>19</sup> qe le meynpast serra amercie.<sup>19</sup>

#### Note from Eyre Roll.

Thomas filius le Bocher de parochia Sancti Laurentii de Taneto qu alias abjuravit regnum coram Thoma de Croft Coronatore et qui devian-  
do de via versus portum Dovorii qui ei assignatus fuerat per predictum

Appellum  
de Recepta-  
mento.

<sup>20</sup> Jon Swyng<sup>21</sup> fist felonie & meyntenant<sup>22</sup> fust pris ses amys taunt com il fust en prisone purchacerent la pees<sup>23</sup> le roi.<sup>24</sup> En eyre fust il endite de ceo fet & un Robert de recet de lui sachant la felonie. Celz

<sup>1-1</sup> del, KK. <sup>2-2</sup> et, KK. <sup>3-3</sup> certains i s'int, KK. <sup>4</sup> KK adds et vous avet def[aille] en vostre appel de certain iour et len pur quey nous vous trouoms en noun certain, pur quey. <sup>5</sup> ceste court, ee. <sup>6-6</sup> de L. et R. de O., ee. <sup>7</sup> KK adds et de recettement. <sup>8-8</sup> la felonie, KK. <sup>9-9</sup> KK omits. <sup>10</sup> ee ad ls fait a sauoir qe. <sup>11-11</sup> pourceo qe les Justices diseyent, ee. <sup>12</sup> lessez par plevine, KK.

<sup>13</sup> Note from  $\gamma$  and ee. Text from  $\gamma$  collated with ee. <sup>14</sup> ee adds en Eyre. <sup>15</sup> Note from  $\gamma$ , ee,  $\sigma$ ,  $\tau$ . Text from  $\gamma$  collated with ee,  $\sigma$ ,  $\tau$ . <sup>16-16</sup> un homme auoit foriure, ee.

<sup>17-17</sup> ala un ceste hors del haut chemyn. La menie fut Leve sur lui et fut pris Le Real Chymin et ceo trove par pais,  $\tau$ . <sup>18</sup> center hors, ee. <sup>19-19</sup> il porta Juyse ut accidit apud Giddeford de iij clericis coram W. Inge Anno ij quia nullus ordinarius clamavit suspensis, ee.

<sup>20</sup> Reported by  $\gamma$ , ee,  $\sigma$ . Text from  $\gamma$  collated with ee and  $\sigma$ . ee has in margin: De appello receptamenti ubi principal habuit curiam Regis. <sup>21-21</sup> Un Johan Swynk, ee.

<sup>22</sup> ee adds sour la felonie. <sup>23</sup> chentre, ee. <sup>24</sup> ee adds de la suyte de sa pees.





you bring your appeal was done in front of the Church of Our Lady, and there are two churches of Our Lady in this city, and you have not specifically said to which of these two you refer. Now in every appeal place and time must be certainly laid, as must also be the names of the parties concerned, so that there may be no doubt whatever about them. Therefore the Court dismisses your present appeal against Richard and commits you to prison. If, however, you desire to take further action to avenge the death of your husband, sue out a writ directed to the sheriff bidding him have a jury here on such day as we may assign for further hearing of this felony. The cases of Richard and John, who are appealed of aiding and abetting, may stand over till the principal has been convicted under the statute.

The principal was claimed by his Ordinaries, but he was not delivered to them, as the Court said it desired to inquire whether he were really guilty or not, and whether he should be delivered to them as a convicted clerk, or how. As to the others, you must know that they were let out on bail by order of the Court.

If one who for a felony has been put in exigent were of a tithing on the day when such felony was committed, the tithing shall be amerced; and if he were not of a tithing, then shall he in whose mainpast he was be amerced.

Note that if one who has abjured the soil and realm of the King turn off the King's highway, and it be therefor found that he left the King's highway, he in whose mainpast he was shall be amerced.

*Note from Eyre Roll—continued.*

coronatore[m] et captus extra regiam viam in loco distante ab eadem via per tres leucas venit et super hoc allocutus si per aliquos impeditus fuit quominus iter suum sibi assignatum tenere non posset dicit quod non nec aliquid sic dicere etc. Ideo etc. [sc. suspensus fuit, *as appears by the note in the margin*]. Catalla ejus v. s. vi. d. quos Regina clamat.

John Swyng committed a felony, and was straightway taken. While he was in prison his friends purchased for him the King's peace. He was indicted in Eyre for the felony, and one Robert was also indicted for receiving, knowing the goods by him received to have been

Appeal for  
receiving.



Jon Swyng<sup>1</sup> fust arrenne de ceste felonie devant justices<sup>2</sup> & pria qele fust alowe par qey il ala quites. Robert vynt & feust arenne del recettement qi dona tiel respouns Celz qi dust estre recette ne feust unqes atteint de nule felonie par qey il ne peut estre recette<sup>3</sup> & desicom le recet est accessore a la felonie qe est principal<sup>4</sup> Jugement si de recettement qest accessore devons respondre.

SPIGURNEL il feust devant ses heures arenne de la felonie devant nous ceinz & mist<sup>5</sup> avount chartre le roi qil lui avoit pardone sa seute de cele felonie par qey cele chartre qest son purchas suppose en lui mesme qil<sup>6</sup> avoit fet ceste felonie & un homme asez est atteint qaunt lui mesmes se conust estre feloun par qey nous le tenoms com atteint.

Hunt. Sire il nad mie en sa chartre *unde convictus est* mes *unde arettatus est* les qele paroles supposent qe il est endite & ne mie qil mesme eit conu la felonie qar meyn homme fet son purchas par ses amys qi dient le plus beal & aussi fist il par aventoire.

BERFORD<sup>8</sup> ne veistes vous unqes qe le roi pardona a un homme une utlagerie & ne mie contre-esteant cel pardoun il respond del trespas pur quei il fust utlage.

Hunt. Sire oil & pur ceo il iad en la chartre *ita tamen quod stet recto*. Jon Swyng<sup>9</sup> est aquite en ceste court par la chartre le roi & ne purqaunt si homme le vosist appeler de ceste felonie il covensist qil vensist com prisoun & qil respondisist a lui de ceste mort dount nous dioms qe sil fust atteint de ceste felonie aussi com vous ditez qe la chartre qest son purchas supposereit il avereit courte respounce qaunt a la partie & demandoms jugement si de tel recet qe vous lui metez sur deyve respondre & desicom le principal nest pas uncore atteint & purra apres a la seute un autre estre menee de mesme la chose en respounce & par aventure estre acquite ou dampne.

BERWYK Robert fetez vostre fyn al roi qar vous ne dedites pas qe vous ne recettastes & ceo fust graunt trespas al roi.

<sup>1</sup> Swyng, *cc*.      <sup>2</sup> *cc* adds qy mist avant la chartre le Roi.      <sup>3</sup> recettor, *σ*.

<sup>4</sup> *cc* adds faite.      <sup>5</sup> *cc* adds e la princepalle ne fust unques attente en la prisone Johan e demandons.      <sup>6</sup> bota, *σ*.      <sup>7</sup> *cc* adds conisoit al Roi qil.

<sup>8</sup> BEREWYK, *σ*.      <sup>9</sup> Swyng, *cc*.



stolen. When this John Swyng was arraigned for this felony before the Justices, he pleaded the King's pardon, and by reason thereof was allowed to go quit. Robert came, and being arraigned for receiving, answered after this wise: That which we are accused of receiving no one has been convicted of stealing, therefore there can be no proof of unlawful receiving: and since the receiving is dependent upon the commission of the felony, we ask judgment whether we should be called upon to answer a charge of receiving when no one has been convicted of the necessarily precedent felony.

SPIGURNEL J. John Swyng was some time ago charged before us here with felony, and he produced the King's charter granting him the King's pardon from prosecution for this felony. Now the words of this charter which he himself purchased assume that he committed the felony with which he is charged. And we may take it, for present purposes, that a man is quite sufficiently convicted of felony when he himself acknowledges that he is a felon. Consequently we shall rule him to have been convicted.

Huntington. Sir, he had not in his charter the words *unde convictus est*, but only *unde arctatus est*, words which suppose only that he was indicted, and not that he confessed himself guilty; for many a man purchases his pardon through the agency of his friends who state the matter in the way most favourable to him, and I suppose that was what happened in this case.

BEREFORD C.J. Have you never known a case where the King had pardoned a man his outlawry, and yet, notwithstanding this pardon, the man was brought up to answer for the trespass for which he was outlawed?

Huntington. Yes, Sir; but in such a case the charter would contain the words *ita tamen quod stet recto*. John Swyng was let off quit in this Court by reason of the King's charter. It may very well be that if any one chooses to appeal him of this felony, he must come back as a prisoner and make answer to such appellor. As to that we say that he would have a very short answer to the charge of the felony supposed, as you say, by the charter he has produced; and we ask for judgment whether to such a charge of receiving as the present one Robert can be called upon to answer, seeing that the principal has not been convicted, and may possibly at some future time be brought here at the suit of some other person to answer for this same felony, and then may quite as probably be acquitted as convicted.

BEREWICK J. Robert, make your fine with the King, for you do not deny that you did receive these goods, and so committed a great trespass against the King.



<sup>1</sup> *Hunt.* Sire il nad pas graunte ne dedit par qey il nest pas encore a fere fyn.

BERWIK Viscounte le menez a la prisone & gardez le bien taunt qe nous coms plus parle de son estat.

Et peus Robert<sup>2</sup> dona demi mare a roi &c.<sup>3</sup>

Set Nota quod Justiciarii id magis fecerunt ad comodum<sup>4</sup> regis quam ad legem manutenendum &c quia fecerunt ad terrorem.

De escape  
latronis.

<sup>5</sup> Jon<sup>6</sup> fust atache & baille a un disener<sup>7</sup> agarder al tourn de viscounte & ne fust mie a cel heure endite. Celi Jon qaunt il fust issint<sup>8</sup> en garde il bati le disener<sup>7</sup> & sen ala. Les xii jurours a cel tourn<sup>9</sup> qiderent qil ne serroit mie meste de lui enditer pur ceo qe a lour entendement qiderent qil fust pris & en garde de viscounte par qey ils nel enditerent point. Cesti Jon fust pris apres & vynt devant justices & fust arrenne des plusours felonies & il se tust & ne voleit respondre par qey il fust agarde a sa pennance. Nota sil ust este endite avaunt qil ust esto baille en garde il ne ust mie este arenne de felonie &c mes pendu saunz estre arenne &c pur ceo qil ust donges debruse la prisone & par taunt serroit il pendable mes pur ceo qil ne feust nient endite il navoit nul garrant par qey il dust estre atache & saunz garraunt il ne pout nient estre<sup>10</sup> prisoun nec per consequens prisone debruser.<sup>10</sup>

De quodam  
latrone  
suspensio  
in curia  
baronis per  
suam  
recogni-  
cionem.

<sup>11</sup> Presente fust par un dicener qen la ville de Bordone fust un laroun pris<sup>12</sup> ove meynovere<sup>13</sup> & fust penduz par qey les justices comaunderent qe les seutors de cele court venissent de fere eel record vindrent & disoient qe a certain jour &c vynt un Jon en lo marche de Bond<sup>14</sup> & trova en la mayn un Robert un son chival qe emble ly feust la nuyt avant a sa meson en la ville de C. & leva le crie sur lui par qey ils furent ambedeus atache Le Prior de Bond<sup>14</sup> a qi la fraunchise est fist somoundre sa court hastivement &c Jon avantdit appella Robert par motz de felonie qe felonousement avoit emble cel chival encountre la pees &c & Robert reconnest cele felonie par qey le seneschal<sup>15</sup> de la court<sup>15</sup> lui dona jugement destre pendu.

SPIGURNEL demanda le Prior qi vynt.

<sup>1,3</sup> *σ omits.* <sup>2</sup> *ee adds finist et.* <sup>4</sup> *appuyamentum, σ.* <sup>5</sup> *Reported by γ, ee and σ. Text from γ collated with ee and σ. ee has in margin: De quodam latrone eschape hors de la garde le dyseyner.* <sup>6</sup> *un Johan, ee.* <sup>7</sup> *dizeyn, σ.* <sup>8</sup> *ee adds baille.* <sup>9</sup> *oure, σ.* <sup>10,11</sup> *enpi-one ne par consequent sil sen va ne poet prison debruser si fut are-ne e devoyt aver son respuns sil voutsit, σ.* <sup>11</sup> *Reported by γ, ee and σ. Text from γ collated with ee and σ. Marginal note from ee.* <sup>12,13</sup> *et mene en respuns, σ.* <sup>14</sup> *Boddon, σ.* <sup>15,16</sup> *qy tynt la Court le Priou, ee.*





*Huntington.* Sir, he has not yet made either admission or denial and should not therefore yet be condemned to make fine.

BEREWICK, J. Sheriff, take him to prison, and keep him there until we have further information as to his means.

And afterwards Robert paid half a mark to the King etc.

But note that the Justices so did rather for the King's profit than to vindicate the law etc., and they did it under fear.

John was attached and handed over to a tithingman to await the sheriff's turn, and has not, up to the present time, been indicted. While this John was in custody he beat the tithingman and escaped. The twelve jurors at that turn were of opinion that they ought not to indict him, because they understood that he had been arrested and was in the custody of the sheriff: and for this reason they did not indict him. Afterwards this John was taken and came before the Justices and was arraigned for several felonies. He kept silence and refused to plead; wherefore he was committed to his penance. Note that if he had been indicted before being given into custody, he would not have been arraigned for felony, etc., but would have been hanged without being arraigned, etc., because in that case he would have been a prison-breaker, and therefore to be hanged without more ado; but, seeing that he had not been indicted, there was no authority to attach him, and in default of any such authority he was no prisoner, and could not, therefore, break prison.

Of a thief that escaped.

Presentment was made by a tithingman that in the town of Bodmin a thief had been taken in possession of stolen chattels, and that he had been hanged. Whereupon the Justices ordered the suitors of that court to attend and produce the record relating to these matters. They came and said that upon a certain day etc., there came into the market-place of Bodmin one John that there found in the possession of one Robert a certain horse which had from the house of him, the said John, in the town of C. during the previous night been stolen. And he, the said John, thereupon raised hue and cry against the said Robert, in consequence whereof they were both attached. The Prior of Bodmin, who is the lord of the franchise, straightway caused his court to be summoned etc. and the aforesaid John appealed Robert of felony, to wit, that he feloniously had stolen that horse against the peace, etc., and Robert confessed the felony. Whereupon the steward of the court adjudged him to be hanged.

Of a certain thief that was hanged by judgment of a court-baron.

SPIGURNEL J. called the Prior, who came.



SPIGURNEL tiel record ount les seuters fet qe<sup>1</sup> semble a nous mout defectif. Clamez vous Infangenethe & Outfangenethe.

*Hunt.* Sire il cleinie davoir Infangenethe.

SPIGURNEL. Bone gent fust la felonie fete en vostre fraunchise.

Sire nenil.

SPIGURNEL. Ou donques.

Sire nous ne savoms.

SPIGURNEL soliez vous sire Prior tenir<sup>2</sup> court de felonie fet hors de vostre fraunchise qaunt vous ne clamez plus qe Infangenethe.

*Hunt.* Sire<sup>3</sup> Infangenethe est qaunt un feloun est pris ove meyn-oevere a seute dacun & sil se voile mettre en la court nous tendroms cel play & irroms au jugement sil soit dampnee.

SPIGURNEL. Jeo vous ay dit qe<sup>4</sup> qil recorderent qil se conust laroun & qil alerent a jugement purriez ceo saunz presence del coroner.

*Hunt* nenil mes sil se met par la ou meynovere est trove nous irroms al jugement.

SPIGURNEL. Sire Priour vous veiez coment recorde est qe vous estes ale a jugement de celui qi se conust estre laroun saunz presence de coroner qi porte record. La ou vostre court ne peut record porter & vous ne poez ceo dedire atendez vos jugementz.

De seignour  
qy renuncia  
son droit  
des teue-  
mentz qe le  
feloun tint  
de luy.

<sup>5</sup> Si un chief<sup>6</sup> seignur renuncie son droit des tenementz qe sount tenuz de lui en cas qaunt son tenant par felonie feste ad perdu les issues de cele terre del jour de la felonie fete jesques al jour de sa mort ou de utlagerie pronuncie en sa persone ou autre juyse forgise<sup>7</sup> en sa persone par reson de cele felonie par reson qil ne voldreit mie respondre al roi de celes issues & le viscounte serra charge en eyre des justices qil face estendre les tenements al oeps le roi & qil soit empriour<sup>8</sup> le roi & <sup>9</sup>nepurquant<sup>9</sup> le viscounte levera del chief seignur celes issues com avant est dit par<sup>10</sup> SPIGURNEL & ceo est a entendre des tenantz qi tiennent fraunche terre.

<sup>11</sup> Nota qaunt lan & le wast serra taxe serra mis la value de la terre par an de tut le temps del jour de lavaunt dite felonie fete &c.

<sup>1</sup> en Ky, σ. <sup>2</sup> *ee adds* play en vostre. <sup>3</sup> *ee adds* nous dioms qe. <sup>4</sup> *ee omits*.  
<sup>5</sup> Note from γ, *ee* and σ. Text from γ collated with *ee* and σ. Marginal note from *ee*. <sup>6</sup> *ee omits*. <sup>7</sup> surmys, σ. <sup>8</sup> Approour, *ee*. <sup>9-9</sup> ia tardifs, *ee*.  
<sup>10</sup> *ee inserts* H. <sup>11</sup> Note from γγ and *ee*. Text from γγ collated with *ee*.



SPIGURNEL J. This record which the suitors enrolled seems to us to be very defective. Do you claim Infangthief and Outfangthief?

*Huntington.* Sir, he claims to have Infangthief.

SPIGURNEL J. Good people, was this felony committed within your franchise?

Sir, it was not.

SPIGURNEL J. Where then?

Sir, we do not know.

SPIGURNEL J. Is it your wont, Sir Prior, to try in your court felonies committed without your franchise, seeing that you claim no more than Infangthief?

*Huntington.* Sir, Infangthief is when a felon is taken at the suit of any one, and the stolen goods are found in his possession; and if he accepts the jurisdiction of the court we hold the plea, and, if he be convicted, proceed to judgment.

SPIGURNEL J. I have told you that the record merely says that he confessed the felony, and that the court proceeded to judgment. Were you entitled to do that without the presence of the coroner?

*Huntington.* No. But if the prisoner pleads to the court, and the stolen goods be found in his possession, we proceed to judgment.

SPIGURNEL J. Sir Prior, you see what appears in the record; that, in the absence of the coroner, who is the officer of record, you proceeded to judgment of one who confessed felony. Now since your court is not a court of record, and you cannot deny that it is not, you must await our judgment.

If one that holds lands of a chief lord have, by reason of felony by him, such tenant, committed, forfeited the issues of those lands from the day when such felony was committed to the day of his death, or have so forfeited them by reason of judgment of outlawry against him, or by reason of any other judgment pronounced against him in respect of such felony; and if the chief lord then renounce his right to such lands because he willeth not to be answerable for the said issues to the King, in such case shall the Sheriff have it in charge from the Justices in Eyre to have the said lands valued for the use of the King, and he shall be the King's steward in respect thereof; but notwithstanding this the Sheriff shall levy from the chief lord the aforesaid issues. This was laid down by SPIGURNEL J.; and it is to be understood of tenants of freehold land.

Of a lord that renounces his right to lands held of him by a convicted felon.

Note that when the year and waste are assessed, the yearly value of the land throughout the whole time from the day when the said felony was committed etc. shall be averaged



<sup>1</sup> Rauf Bloyoun qī fust a sa graunt pennance<sup>2</sup> x jours apres par ses amys porta la chartre le roi<sup>3</sup> qele roi lui avoit pardone sa seute de sa pees pur tute manere de trespas fetz avaunt la date de la chartre & pur ceo qil feust endite des felonies &c peus la date &c mes ne fust mie alowe par qil mesme ust venu hors de prisone & pur respounce ust mis avant la chartre par J. DE BERWIK.<sup>4</sup>

De appello  
roberie.

<sup>5</sup> Geffray appella Robert & Willem de roberie &c<sup>6</sup> & taunt siwz<sup>7</sup> qe il furent iij foitz demand-z en iij counteez & meynpris jebes a v. &c. A qinte<sup>8</sup> ils vindrent & porterent un poue <sup>9</sup>a remuer<sup>9</sup> lappel<sup>10</sup> en Baunk &c. Cest appel fust recorde en eyre par coroner & rien ne vynt hors de Baunk de cel appel & uncore<sup>11</sup> lappelour fust demande en eyre<sup>12</sup> de siwir son appel<sup>13</sup> & quia non venit<sup>13</sup> ses pleges de siwir furent en la merci & comaunde fust qe lappelour fust pris &<sup>14</sup> les apelez a la seute le roi furent atachez & menez devaunt justices com prisouns & furent arennez & passerent par pays & Nota pur ceo qe trove fust par record de corouner qil ne vindrent mie a la pees jebes al v. countie ils perdirent lour chateux.

<sup>15</sup> Nota un homme est utlage & femme weyve & la cause pur quel femme ne peut estre utlage pur ceo qe ele nest pas jurre a la ley ne a la pees.

<sup>16</sup> Si un viscounte lest un prisoun qe est atache pur la mort dun homme a ascune plevgne il respoundra de celui en eyre &c.

<sup>16</sup> Si ville ou deseyne retienne un prisoun outre un nuyt qil soit maunde a la prisone<sup>17</sup> le roi ele est amerciable en eyre si le seigneur neit garrant del roi.

<sup>18</sup> Marina la femme Gilbert de Talgarek se avoit atache en counte de sewr son appel vers un Rauf le Gras. La femme vynt devant justices & tesmoigne fust par les xij qe Rauf fust mort. Feust demande de la femme qel appel ele voleynt aver siwz &c. ele dit qe cely R. encountre

<sup>1</sup> Reported by  $\gamma$ ,  $\epsilon\epsilon$  and  $\sigma$ . Text from  $\gamma$  collated with  $\epsilon\epsilon$  and  $\sigma$ .  $\epsilon\epsilon$  omits pennance. <sup>2</sup>  $\epsilon\epsilon$  adds en court qe voleit. <sup>3</sup>  $\epsilon\epsilon$  adds et H. SPIGURNELL;  $\sigma$  adds o SPIGURNEL. <sup>4</sup> Reported by  $\gamma$ ,  $\epsilon\epsilon$  and  $\sigma$ . Text from  $\gamma$  collated with  $\epsilon\epsilon$  and  $\sigma$ .

<sup>5</sup> o de la pees nostre seignour le Roi enfreynte,  $\epsilon\epsilon$ . <sup>6</sup>  $\epsilon\epsilon$  adds en counte. <sup>7</sup>  $\epsilon\epsilon$  adds counte. <sup>8</sup>  $\epsilon\epsilon$  adds amette,  $\epsilon\epsilon$ . <sup>9</sup>  $\epsilon\epsilon$  adds devant Justices.

<sup>10</sup> jatardeys,  $\sigma$ . <sup>11</sup>  $\epsilon\epsilon$  adds qil venist. <sup>12-13</sup> e pouero qil ne vint pas,  $\epsilon\epsilon$ .

<sup>14</sup>  $\epsilon\epsilon$  adds nepouissant. <sup>15</sup> Note from  $\gamma$  and  $\epsilon\epsilon$ . Text from  $\gamma$ . <sup>16</sup> Note from  $\gamma$ ,  $\epsilon\epsilon$  and  $\sigma$ . Text from  $\gamma$ . <sup>17</sup> gaole,  $\epsilon\epsilon$ ,  $\sigma$ . <sup>18</sup> Reported by  $\gamma$ ,  $\epsilon\epsilon$  and  $\tau$ .

Proper names from C. E. R. Text from  $\gamma$  collated with  $\epsilon\epsilon$ ,  $\sigma$  and  $\tau$ .





Ten days after Ralph Bloyom had been remitted to his grievous penance his friends procured a charter from the King, whereby the King pardoned him suit of his peace in respect of every manner of trespass committed by him before the date of the charter. But because he had been indicted of felonies etc. subsequently to the date of the charter, and because he had departed from prison, and as pretext for so doing had produced this charter, the said charter was not allowed by BEREWICK J.

Geoffrey appealed Robert and William of robbery etc. and prosecuted his appeal till four times they had been called upon in four county courts, and mainprised till the fifth. At the fifth court they made appearance, and put in a writ of *pone* to remove the appeal into Bank etc. This appeal was recorded in Eyre by the coroner, and, as there was no record of the matter having been prosecuted in Bank, the appellor was again called upon in Eyre to prosecute his appeal; and, because he came not, his pledges to prosecute were put in mercy, and the appellor was arrested, and the appellees were attached at the suit of the King and brought before the Justices as prisoners, and were arraigned and tried by a jury. And you shall note that, seeing it was found by the record of the coroner that they had not entered appearance until the fifth county court, their chattels were forfeit.

Appeal of robbery.

Note that a man is outlawed and a woman waived; and the reason that a woman may not be outlawed is that she is not sworn to the law nor yet to the peace.

If a sheriff admit to any bail one that has for the death of a man been attached, he shall be answerable for him in Eyre etc.

If any town or tithing shall detain any in their prison for more than one night before sending such to the King's prison, such town or tithing shall be amerciable in Eyre, unless the lord have some special warrant from the King.

Marina the wife of Gilbert of Talgarek had given security to prosecute an appeal against one Ralph Grace in the county court. When this woman came before the Justices, it was testified by the twelve that Ralph was dead. The woman, being asked of what sort was the appeal she had been minded to prosecute, said that this R. against her will



son gree lavoit ravy & parieu<sup>1</sup> & noma lieu & temps & lan xij<sup>2</sup> par les justices fust comaunde de presenter lappel & latchingement & presenterent qe mesme celz R. encountre son gree la ravist & nomerent jour lieu & temps & lan de roi & qe la femme leva frechement la menee<sup>3</sup> sur mesme cesti Rauf qi fust atache de venir al prochein countee a qel counte il dist defaute par qey fust agarde qe R. fust destreine.

JUSTICE vous avez presente qe la femme qi ad baroun sole trova<sup>4</sup> seurte saunz le baroun par agard del countee<sup>5</sup> & pur ceo qil ne pristrent la seurte le baroun joyntement ore la femme toute le countee en la merci.<sup>6</sup> *Item* vous avez presente qe la countee agarda une destresse sur lappelle pur sa defaute ou le *capias corpus* gist saunz destresse & la deusent aver comaunde de lui prendre & la femme qi siwi tesmoigna<sup>7</sup> la mort del appellee & autrement les justices asent enqis de sa mort & <sup>8</sup> si la femme ne ust venuz ses pleges fuserent amerciez.<sup>10</sup>

<sup>11</sup> Clericus sieud laicus propter fugam catalla amittet & si dampnetur per patriam & pro tali liberetur ordinario & postea rite purgatus fuerit coram ordinario &c non amittet sua catalla.

<sup>11</sup> Ubi sectatores alienjus curie baronis per judicium curie cognoscunt de feloniam facta extra precinctum illius hundredi licet<sup>12</sup> handhabbyng<sup>13</sup> & ad seetam clamantis proprietatem fuerit captus in eodem hundredo omnes sectatores redimantur<sup>14</sup> per misericordiam & cunctum hundredum in manu regis &c quousque per finem &c.

De  
Decennario.

<sup>15</sup> Quando<sup>16</sup> decennarius non potest propter pauperitatem respondere domino regi de catallis fugitivorum & aliorum de quibus decennarius se onerabit per presentacionem coronatoris vel xij juratorum <sup>17</sup>dominia eorundem decennariorum<sup>17</sup> ob eorum defectum <sup>18</sup>omnino respondebunt<sup>18</sup> usque ad finalem sinam.

<sup>1</sup> pouriu, *ee*. <sup>2</sup> La dozeine, *τ*. <sup>3</sup> *σ* adds hue; *τ* adds hu e erie. <sup>4</sup> *ee* adds ceste. <sup>5-6</sup> si fut tot le Conte amercie, *τ*. <sup>7-7</sup> et pur ceo qe il agarderent la destresse ou einz dussent aver agarde le *capias* si fut le conte autrefois amercie et pur ceo qe la femme tesmoigne, *τ*. <sup>7</sup> tesmoigne, *ee*. <sup>8-10</sup> einz ne enquestra point de sa mort la tierce foiz fut amercie, *τ*. The record on the Roll concludes thus: quod terminus inter duos comitatus continebat octo septimanas cum non debet continere nisi tantum quatuor septimanas ad judicium de toto comitatu <sup>9</sup> *ee* adds tout fust il mort. <sup>11</sup> Note from *γ*, *ee*, *σ* and *τ*. Text from *γ* collated with the others. <sup>12</sup> quamquam haberet. <sup>13</sup> Hondhabbinde, *ee*; Hondhabbend, *σ*. <sup>14</sup> redimuntur, *ee*. <sup>15</sup> Reported by *γ*, *ee*, *σ* and *τ*. Text from *γ* collated with the others; *ee* has in margin: De decennario onerando de catallis fugitivorum. <sup>16</sup> ubi, *ee*. <sup>17-17</sup> domini earundem decenarum, *ee*. <sup>18-18</sup> non respondeant (sic), *ee*.



had ravished her and had had carnal knowledge of her ; and she named the place and the time, that was in the twelfth year of the King's reign. And the Justices directed the jurors to make presentment of this appeal and the giving of security to prosecute it ; and they made presentment that the said R. her the said Marina had ravished against her will ; and they named the day, place and time and the year of the King's reign ; and that the woman had straightway raised hue and cry against this same Ralph, who was attached to appear at the next county court ; and that he failed to appear at the said court, and by reason of such default it was adjudged that he be distrained.

JUSTICE. You have presented that this woman, who has a husband, found sureties for herself alone and apart from her husband, and this by award of the county court. Seeing that they did not take sureties for the husband jointly with the wife, the whole county is in mercy. Further, you have presented that the county court adjudged a distress against the appellee by reason of his default of appearance, in circumstances where a *capias corpus* lies without any distress, and the court should have ordered his arrest. The woman who prosecuted the appeal now says that the man is dead ; otherwise the court would have had enquiry made as to his death ; and if the woman had not come her sureties would have been put in mercy.

Clerk as well as layman that shall abscond shall forfeit his chattels ; but if a clerk be convicted by a jury and be delivered as a convicted clerk to the Ordinary, and shall afterwards lawfully purge himself before such Ordinary, he shall not forfeit his chattels.

All the suitors of any court-baron proceeding to judgment for any felony committed outside the limits of their hundred, though the felon committing such felony have been arrested, 'hand-having,' within the hundred at the suit of him who claims ownership of the stolen goods, shall be put into mercy, and the whole hundred taken into the King's hand etc. until by fine etc.

When a tithingman, by reason of his poverty, cannot answer to our lord the King for the chattels of fugitives and others for which such tithingman shall have been made answerable by presentment of the coroner or of the twelve jurors, all the lands within the tithing of that same tithingman shall be answerable for his default to the very last farthing.

Of Tithingmen.



Decime in  
Sanctuario.

<sup>1</sup> Decime<sup>1</sup> vinte in grangia <sup>2</sup>ejusdam rectoris &<sup>3</sup> ejusdem Rectoris que quidem grangia attachiata fuit in sanctuario fuerunt catalla adjudicata domino regi propter fugam ejusdem rectoris non obstante sanctuario. Ratio<sup>4</sup> loci occupacionis<sup>5</sup> de hiis<sup>6</sup> nulli dat juris accionem propter proprietatem petendi <sup>7</sup>per BERWIK.<sup>7</sup>

De homine  
enterre  
saunz vewe  
de coroner.

<sup>8</sup> Un homme fust ateint de la mort un autre devaunt Justices & la mort fust murdrise <sup>9</sup>dout un<sup>9</sup> Simond & ij autres par celes enquestes furent enditez qil avoient le mort murdrise & enterre saunz vewe de coroner touz furent meynpris destre de jour en autre devaunt justices qaunt homme averoit a parler vers eux mes furent acquitez del eide & del assent de la mort <sup>10</sup>& de<sup>10</sup> lenterrement assentement<sup>11</sup> saunz coroner & de illuges lempolement<sup>12</sup> saunz vewe de coroner unde quia fuerunt de aliis &c male fame missi sunt gaole quousque de eis in eodem itinere plenius fuerit tractatum.

De secta  
regis in  
appello  
robberie.

<sup>13</sup> Qaunt homme qi ad trove pleges de seure ne siwt mie le prinner jour lui & ses pleges en la merci & les autres quites saunz jour & ceo est en cas de roberie nec habet Rex sectam par SPIGURNEL Causa est pur ceo qe homme ne siet de quele chose charger lenqeste quia appellum non fuit formatum. Secus est de morte hominis.

De  
comitatus  
amerciato.

<sup>13</sup> Une femme trova seurte de siwr son appel de roberie vers divers gentz & siwist jeques al v. countee & donqes lappel fust remue par le pone en Baunk & iluk amort lappel par noun seute & le countee al jugement de ceo qil ne attachast les appelez qaunt eux se profirrent al v. countee.

De minore  
utlagato.

<sup>14</sup> Nota si enfaunt denz xii aunz soit utlage cele utlagerie est a repeler <sup>15</sup>quia devaunt<sup>15</sup> xij aunz nest il mie en dozeigne ne jure a la ley.

De catallis  
appellatoris

<sup>16</sup> A. de Boghton<sup>17</sup> fust atache ove un fardel des draps & un W. de

<sup>1</sup> Note from  $\gamma$ ,  $\epsilon\epsilon$ ,  $\sigma$ ,  $\tau$ . Text from  $\gamma$  collated with the others.  $\epsilon\epsilon$  and  $\sigma$  insert Per BEREWYK quod. <sup>2</sup>  $\epsilon\epsilon$  and  $\sigma$  insert ejusdam rectoris. <sup>3-4</sup>  $\epsilon\epsilon$  omits. <sup>4</sup>  $\epsilon\epsilon adds que. <sup>5</sup> occupacio,  $\epsilon\epsilon$ . <sup>6</sup> bonis,  $\epsilon\epsilon$ . <sup>7-7</sup>  $\epsilon\epsilon$  and  $\sigma$  omit. <sup>8</sup> Reported by  $\gamma$ ,  $\epsilon\epsilon$ ,  $\sigma$ ,  $\tau$ . Text from  $\gamma$  collated with  $\epsilon\epsilon$  and  $\sigma$ . The text of  $\tau$  is uncollatable with the others, and reads:$

Treys furent enditez de la mort un murdrers se mistreint en pais dit qe lun soulement fut coupable du fet & les deux nent del fet et de lassent mes dissoint qe les deux le enterrenterent saunz vewe de coroner e pur ceo quant al un qi fut coupable del fet il port jowise & les deux lessez pur meynprise de oier les juements.

<sup>9-9</sup> et avoyt a noun W.,  $\sigma$ . <sup>10-10</sup> mes al,  $\epsilon\epsilon$ ,  $\sigma$ . <sup>11</sup> assentirent,  $\epsilon\epsilon$ . <sup>12</sup> le emporterent,  $\epsilon\epsilon$ . <sup>13</sup> Reported by  $\gamma$ ,  $\epsilon\epsilon$  and  $\tau$ . Text from  $\gamma$  collated with  $\epsilon\epsilon$  and  $\tau$ . <sup>14</sup> Note from  $\gamma$  and  $\epsilon\epsilon$ . <sup>15-15</sup> pour ceo qe avaunt,  $\epsilon\epsilon$ . <sup>16</sup> Reported by  $\gamma$ ,  $\epsilon\epsilon$  and  $\sigma$ . Text from  $\gamma$  collated with  $\epsilon\epsilon$  and  $\sigma$ .  $\epsilon\epsilon$  has in margin: De catallis restitutis appellatoris. <sup>17-17</sup> Adam de Boudone,  $\epsilon\epsilon$ .





Tithes lying bound in the barn of a certain rector, though that same barn of the said rector was appurtenant to a privileged place, were, notwithstanding the privilege of the place, adjudged forfeit to our lord the King by reason of the absconding of the said rector. And BEREWIK J. said that the nature of the place where the seizure was made gave no one a right of action to recover the property.

Of tithes that be in a privileged place.

There was one convicted before the Justices of the death of another, and it was adjudged murder. And by the same inquest were a certain Simon and two others indicted for that they had murdered this same man and buried his body without view of the coroner. They were mainprised to appear from day to day before the Justices until such time as the Court should be ready to proceed further with the matter. Afterwards they were acquitted of aiding and consenting to the murder, and also of burying the body without view of the coroner, and of carrying it away without view of the same; but, seeing that they were of ill fame in other respects, they were committed to gaol till such time as the Justices of this Eyre should further deal with them.

Of one who was buried without view of the coroner.

When a man has found security, in a case of robbery, to prosecute an appeal, and does not so prosecute it on the first day, both he and his pledges shall be in mercy and the appellees shall go quit without day assigned. This is in an appeal for robbery. Nor hath the King the right to prosecute. This was laid down by SPIGURNEL J. And the reason thereof is that the Court is in possession of no facts wherewith to charge the inquest, as the appeal has not been formulated. It is otherwise in the case of a homicide.

Of the King's suit in an appeal of robbery.

A woman found security to prosecute her appeal of robbery against divers folk, and prosecuted such appeal up to the fifth county court. Then was the appeal moved by a writ of *Pone* into Bank, and there it lapsed by reason of non-prosecution. The county is to be under judgment because it did not attach those who were appealed when they proffered themselves at the fifth county court.

The county amerced.

Note that if an infant under the age of twelve years be outlawed, such outlawry may be annulled, because an infant under twelve years of age is not of a tithing nor sworn to the law.

Of the outlawry of infants.

A. of Bodmin was attached, having in his possession a bundle of

Of the chattels of an applier.



E. fust prest a seure & counta en fourme de felonie qe certain jour & an avoit &c. la felonie fet. A. se mist &c & fust dampne. W. pria ses chateus deliveres Les justices demanderent<sup>1</sup> sil fust primes atache a la seute Wautier ou a autre seute & disent qe a la seute W.<sup>2</sup> & *Nota* sil ust primes este atache a autri seute<sup>3</sup> &c il<sup>3</sup> ne ust mie emporte ses chateux.

<sup>4</sup> Enfaunt denz vij aunz ne portera nule juyse tut soit il ataint de felonie pur ceo qe il nest mie conisaunt de bien ne de mal & post illam etatem habebit &c.

De ij  
indictatis.

<sup>5</sup> Deux hommes<sup>6</sup> enditez de la mort un homme furent chacez a respounce trove fust qe lun le ferist primes par qey il chay & lautre lui naufra dun espeie mortel. Ambo ad iudicium quia primus causa mortis &c.

<sup>7</sup> Un laroun avoit emblee ij vaches & fust pursiwy par ceus qi clamerent la propertie al hundred le roi de S. & prierent qil pused prover lour chatel & furent receu &c<sup>8</sup> & avoient la deliveraunce.

JUSTICE Jeo ne peus entendre qe le roi avoit si fol bailif qe par tiele proeve delivera les chateus qe furent en la moyne le roi saunz &c Ideo fetes venir le bailif &c<sup>9</sup> a respondre de ceo al roi.

<sup>7</sup> Une femme hors de la garde un dizener eschapa & fuist amost<sup>10</sup> tute la dezeyne amerie pur<sup>11</sup> la foute<sup>11</sup> & pur ceo qe le Justice ne trova mie record de roulle de coroner qe ele forjura la terre &c<sup>12</sup> ne autre issue de lui ne<sup>13</sup> fist. *Adjudicatur escapium.*<sup>13</sup>

<sup>14</sup> Un<sup>15</sup> appelle de mort domme fust demande jebes al v countee & peus fust lappel renue en Baunk par le pone & par noun seute la parole amorti morust lappelee.

<sup>1</sup> *cc* adds de les xij.

<sup>2</sup> *cc* adds par quoi &c.

<sup>3, 3</sup> qe a la seute W., W., *cc*.

<sup>4</sup> Note from  $\gamma$ , *cc*, and  $\tau$ .

<sup>5</sup> Note from  $\gamma$ , *cc*, and  $\sigma$ .

*cc* has in margin: De

duobus indictatis de morte unius.

<sup>6</sup> *cc* adds furent.

<sup>7</sup> Reported by  $\gamma$ , *cc*,

and  $\tau$ . Text from  $\gamma$  collated with *cc*.  $\tau$  is uncollatable with the others and reads:

Un home siwi un laron que out divers larcines ove ly e sen ala defuant ove les beofs cely qe les beofs furent tant pursiwy le laron ove ses biens qe eus vyndrent pres dun moster e le laron suilly en la eglise e la demora cy la qe le Coroner vyent e les demaunda a la poe eus ne vyndrent poynt ne ne voleynt venir mes forjurent la tere le Roy apres le Coroner delivera les chateaus a eus a qi les chateus furent pur ceo qe eus feseint la seute de aver pris les larons qe aveint emble lors biens tanke eus furent a moster e ussent foriure la tere le Coroner delivera lor chateaus e pur la fole deliveraunce est il a jugement devant Justices en Eyre.

<sup>8</sup> A la prouer, *cc*. <sup>9</sup> qv fist la delivraunce, *cc*. <sup>10</sup> a leglise, *cc*. <sup>11, 11</sup> leschape, *cc*. <sup>12</sup> et le roia me, *cc*. <sup>13, 13</sup> prist. Fust agarde un autre eschap, *cc*. <sup>14</sup> Reported by  $\gamma$  and *cc*. Text from  $\gamma$  collated with *cc*. <sup>15</sup> *cc* inserts homme fust.



cloth ; and one W. of E. was ready to prosecute, counting for felony, to wit, that on such and such a day in such and such a year etc. such felony was committed. A. put himself etc. and was convicted. W. prayed that the cloth might be delivered to him. The Justices asked whether the prisoner had been first arrested at the suit of Walter or at the suit of other, and it was said at the suit of W. And you shall note that, if he had been first arrested at the suit of another, Walter would not have got his cloth.

An infant under the age of seven years, though he be convicted of felony, shall go free of judgment, because he knoweth not of good and evil ; but after that said age he shall have etc.

Two men were jointly indicted for the death of another, and were driven to make answer. It was found that a certain one of the two struck the first blow, felling the deceased man to the ground ; and that thereupon the second prisoner despatched him with a sword. Judgment upon both of them, because the first was the cause of the death etc.

Of two who  
were jointly  
indicted.

A certain thief stole two cows and was pursued by those who claimed to be the owners of them into the King's hundred of S., and there these prayed that they might prove their ownership, and they were received so to do, and the said cows were delivered to them.

Justice. I cannot imagine how the King comes to have a bailiff so stupid as to give up, upon such a proof, chattels which were in the King's hand, without etc. So have that bailiff here that he may answer for this to the King.

A certain woman escaped from the custody of a tithingman and fled to church. The whole tithing is put into mercy for her flight ; and seeing that the Justices could find nothing recorded in the coroner's roll to show that the said woman abjured the realm etc. nor that further action was taken respecting her, they adjudged an escape.

A certain one who was appealed of the death of a man was demanded up to the fifth county court, when the appeal was removed by a writ of *Pone* into Bank ; and there the appeal lapsed through want of prosecution and he that was appealed died.



JUSTICE qi avoit ses terres & ses chateus.

<sup>1</sup> Dictum fuit<sup>1</sup> qe le seneschal un Sire T. de Beutra com chief seigneur nomine domini sui & peus delivera la terre al plus prochein heir lappele.

JUSTICE pur ceo qil suwist qaunt il fust appelle en counte responez de ses chateux & de la value de la terre jesques a ceo jour & ceo est appelle le *Interim* qe la terra<sup>2</sup> (*sic*) demourge en la meyn le roi jesques en Eyre.

<sup>3</sup> Simond de B. trova seurte de seure son appel vers iiij hommes dount les ij furent apelez de fet & les autres ij de assent & de eide & de comaund & commencea lappel<sup>4</sup> le Lundy en la feste seynt Laurent<sup>5</sup> Lan xxv. & siwi en iiij countez les ij appelez del fet furent meynpris destre al v. countee le terce appelle del eide<sup>6</sup> & dasset<sup>7</sup> aussi &c<sup>8</sup> Le quarte appelle de eide & dasset<sup>9</sup> &c meynpris al iiij<sup>8</sup> countee par qey le countee ad judicium pur ceo qe le countee no atachias mie les appelez de felonie qaunt ils porterent lour bref de remuer lappel<sup>9</sup> avantdit a Westminster si issist autre foiz bref a demander les avantdit al countee & al iiij countee furent touz ij repleviz jeques al v countee qe les ij vindrent & se rendirent le tercie feust utlage qi fust appelle de fait & les ij avantdit furent lessez a meynpris davoir les a Westminster le jour qe fust contenuz en le brief.

#### Note from Cornwall Eyre Roll

The following record seems to be that of the case reported above :—

Symon de Penkoyt appellavit in Comitatu Willelmum Cosyn et Johannem de Holewelle de feloniam et pace domini Regis infracta de eo quod abduxerunt Caterinam uxorem Roberti Giffard domini sui cum bonis ipsius Roberti viri diete Katherine anno regni Regis nunc xxiiij etc. Et similiter appellavit in Comitatu Willelmi Short de consensu diete felonie. Et similiter appellavit in Comitatu Ricardum personam ecclesie de Parkham de precepto vi et auxilio diete felonie. Et persequabatur appellum suum versus eos usque ad quatuor Comitatus et ad quartum Comitatum predictus Willelmus Cosyn non venit nec manucaptus fuit. Ideo ad sectam ipsius Symonis utlagatus fuit. Et predicti Johannes de Holewelle Willelmus Short et Ricardus persona manucapti fuerunt. Et ad quintum Comitatum iidem Johannes Willelmus Short et Ricardus tulerunt breve domini Regis Thome de la Hyde vicecomiti Cornubie ad removendum appellum illud coram Justiciariis de Banco coram quibus predicti Johannes Willelmus et Ricardus

<sup>1</sup> E respondu fust. *cc.* <sup>2</sup> terre. *cc.* Reported by *γ*, *cc* and *τ*. Text from *γ* collated with *cc* and *τ*. <sup>3</sup> *τ* *abbie* le exigende. <sup>4</sup> Jon le Baptist. *τ*.

<sup>5</sup> *cc* *addis* e del comendement. <sup>6</sup> fust meynpris en mesme la manere com desus est dit. *cc.* <sup>7</sup> utlaghe al quart. *cc.* <sup>8</sup> la parole del appeal. *cc.*





JUSTICE. Who had his lands and his chattels ?

And it was said that the steward of one Sir T. of Beutra, who was chief lord, had them in the name of his lord, and afterwards gave up the lands to the nearest heir of him that was appealed.

JUSTICE. Because he made appearance when he was appealed in the county court, you shall be answerable for his chattels and the value of his land up to that day. And this is called the *Interim*, during which the land remains in the King's hand until the Eyre.

Simon of B. found security to prosecute his appeal against four persons. Of these, two were appealed as principals, and the other two of aiding and abetting and commanding. Simon began this appeal on the Monday that was the feast of St. Lawrence in the twenty-fifth year of the King's reign, and he prosecuted it in four county courts. The two principals were mainprised to appear at the fifth court. The third that was appealed for aiding and abetting was also etc. The fourth that was appealed for aiding and abetting etc. was mainprised at the fourth court. Consequently the county is under judgment because it attached not these being so appealed of felony when they brought their writ to move the aforesaid appeal to Westminster. Afterwards another writ issued, calling upon the aforesaid to attend at the county court ; and at the fourth court were three of them replevied till the fifth court, when two came and surrendered themselves. The third one, that was appealed as a principal, was outlawed ; and the two aforesaid were mainprised on terms that they should be brought up at Westminster on the day named in the writ.

#### Note from Cornwall Eyre Roll—*continued*.

non venerunt ob quod mandatum fuit predicto Thome vicecomiti quod iterum exigi faceret predictos Johannem Willelmum et Ricardum de Comitatu in Comitatum qui postea exacti fuerunt usque ad quatuor Comitatus. Et quia predictus Willelmus Short appellatus de consensu non venit ad eundem quartum Comitatum nec manucaptus Ideo fuit utlagatus. Et predicti Johannes et Ricardus manucapti fuerunt ad eundem quartum Comitatum veniendi ad quintum infra quos Comitatus idem Johannes et Ricardus obierunt. Et quia Comitatus processit uno et eodem tempore de predictis Willelmo Cosyn et Johann de Holewelle appellatis de facto et de predictis Willelmo Short et Ricardo persona indietatis de precepto et assensu cum supersedissee debuisset de eisdem exigendis quousque appellati de facto essent convicti ad iudicium de Comitatu.



De appello  
de raptu.

<sup>1</sup> En appel de rap si femme donz terme qe done lui est par statut siwe devant Justices<sup>2</sup> & ele se retereie &c. le appelle via quite saunz jour.

<sup>1</sup> Si un homme se tewe mesme, ses chateus sount forfetz.

<sup>3</sup> Jone siwz<sup>4</sup> un appel de rap vers une (sic) E. qi fust presente & lavantdit Jone counta vers lui qil lui cocha lan xiiij<sup>5</sup> &c & ne parla de nul rap.

*Kyng*<sup>6</sup> defend tort & force & qaunt qest encountre la pees le roi & sa dignete & sa coronne. <sup>7</sup> Sire ele ne fist nul menciou en son counte de nul rap. Demandoms jugement del appel.<sup>7</sup>

JUSTICE.<sup>8</sup> A ceo qe countee soit bon il covendreit counter lan & le jour & le lieu & le fet einz qe lappel soit duwement fet & si lem troeve defaute demande alowaunce de la defaute en la counte issist dust le seriaunt aver fet.

JUSTICE<sup>8</sup> si agard la court qe Jone aille a la prisone pur son maveys counte & E. quites de son appel qaunt a sa sute & responde a la seute le roi. Viscounte metez le en fers.

JUSTICE.<sup>9</sup> Et respondez al roi de ceo qe vous ravistes la pucellaye Jone & si est ele de xxx aunz & porte un enfaunt denz ses bras.<sup>9</sup>

Demande fust de la femme a qi lenfaunt estoit & ele dit a E. & dit fust qe cest mervaille qe un enfaunt ne pout estre engendre saunz volute des ij & respondi qe de rien coupable.

### Note from Cornwall Eyre Roll

There is a case recorded in the Cornwall Eyre Roll which is probably the same as the one reported above. The material part of the record runs:—

Et Johannes defendit raptum et quidquid est contra pacem etc. Et petit sibi allocari de hoc quod dicta Johanna nullam fecit mencionem in appello suo de die hora neque loco nec etiam de modo quo ipsam rapuisse debuit . . . et petit judicium de appello suo etc. Et quia eadem Johanna non

<sup>1</sup> Note from  $\gamma$  and  $\epsilon\epsilon$ . Text from  $\gamma$ . Marginal note from  $\epsilon\epsilon$ . <sup>2</sup> from  $\epsilon\epsilon$ ;  $\gamma$  has statut. <sup>3</sup> Reported by  $\gamma$ ,  $\epsilon\epsilon$  and  $\tau$ . Text from  $\gamma$  collated with  $\epsilon\epsilon$  and  $\tau$ .

<sup>4</sup> Trova seurte de siwre.  $\tau$ . <sup>5</sup> xliij.  $\epsilon\epsilon$ . <sup>6</sup> *Mulf.*  $\epsilon\epsilon$ . <sup>7</sup> e demanda jugement de cest appeal desicom ele en countant ne fait nule menciou de rap. Par quey &c.,  $\epsilon\epsilon$ . <sup>8</sup> SPIGORNEL,  $\tau$ . <sup>9</sup> From here to the end of the case  $\tau$  reads:

e jeo demaunday de la feme a qy lenfant estoit ele repundit qe a W [the prisoner] et jeo ly disoy qil semble a moy qe un enfant ne purra mie estre engendre sanz volute de une part e dautre. W. respond qe de ren coupable de rap ne dautre felonye e ceo voet il qe soyt enquis par pais est pris qe diount par lour serment qe de ren coupable de lappel ne qe il ne encoucha unkes e la JUSTICE avoit mervaille de ceo qe eus respondyent si largement et agarda qil alast quite et W. pria qil empuissent des abitoirs. SPIGORNEL respundit qe statut [sc. 13 Ed. I. st. I. c. 12] ne le voelit pas torske de mort de home.



If a woman, having sued an appeal of rape before the Justices within the term limited by statute, afterwards abandon it, he that was appealed shall go quit without day given him. Of appeal of rape.

If one slay himself his chattels are forfeit.

Joan sued an appeal of rape against one E., who was present ; and the aforesaid Joan counted against him that he had lain with her in the thirteenth year etc. ; but she said naught of any rape.

*King* defends wrong and force and all that is against the peace of the King and his dignity and his crown. Sir, she said naught in her count of any rape. We ask judgment of the appeal.

*JUSTICE.* To constitute such a good count that a valid appeal can be brought on it, year and day and place and fact must all be laid. If there be omission of any of these matters, the appeal may, on application, be abated by reason of such omission. And the serjeant should have made an application to that effect.

*JUSTICE* adjudges that Joan go to prison for her bad count, and that E. go quit so far as Joan's suit is concerned, but that he answer to the suit of the King. Sheriff, put him in irons.

*JUSTICE.* You shall answer to the King for that you have ravished the maid Joan, who is thirty years of age and carries a child in her arms.<sup>1</sup>

The woman was asked who was the father of the child, and she answered that E. was. It was said that this was a wonderful thing, for that a child could not be engendered without the consent of both parties<sup>2</sup> ; and so it was said that E. was guilty of naught.

#### Note from Cornwall Eyre Roll—continued.

appellavit predictum Johannem modo debito nec in forma qua ipsum appellasse debuit . . . consideratum est quod appellum ejus nullum set pro pace domini Regis observanda inquiratur rei veritas per patriam etc. Et Jurati dicunt super sacramentum suum quod predictas Johannes non rapuit predictam Johannam nec aliquam transgressionem ei fecit nec concordati sunt. Ideo ipse inde quietus et predicta Johanna custodiatur pro falso appello.

<sup>1</sup> This looks like a remark of BERE-FORD C.J. who was on the commission of the Cornwall Eyre ; and seems to show that the prosecution on the King's suit

was not intended to be serious. The number xxx is clear in the text.

<sup>2</sup> 'No woman can conceive if she does not consent.' *Britton*, Bk. I, c. 24.



<sup>1</sup> *Nota de homine acquietato per xii & post indietato per eodem.*<sup>2</sup>

Un homme fust aquite de mort domme devaunt Sir Jon Randulf a la commune delivraunce & fust en ceste eyre endite de xij en mesme le fet des queux xij les v. furent a sa acquitaunce com fust trove par roulle. Ceus furent mis a respondre<sup>3</sup> &c & ne poeient ceo dedire par quoi il furent comaundez a la prisone com ateintz. Ita quod in isto itinere non ponantur in jure.

BEREWIK. Nienz<sup>4</sup> ne poent il estre ateintz qe de lour conisaunce demene mes qils furent ateintz de xxiiij chivalers &c.<sup>5</sup>

<sup>6</sup> Si mulier fuerit ad judicium propter feloniam viro suo superstitute.

<sup>7</sup> JUSTICE non adquiret de catallis.

<sup>8</sup> Si interfectus habeat jura ecclesiastica <sup>9</sup> non est necesse quod coronator eum videat nec<sup>3</sup> in itinere non debet inde fieri inventor per J. DE BEREWIK.<sup>9</sup>

<sup>10</sup> Coronator fuit ad judicium quia dedit H.<sup>11</sup> de S. qui abjuravit regnum &c portum de Portlesm. cum potuit dedisse multo propinquirem ad transeunlum.

<sup>12</sup> Un clerk mist avant la Chartre le roi qe<sup>13</sup> le roi lui avoit pardone la mort Richard le marchant qil avoit tewe & robbe & la chartre parla des plusours roberies & fust clerk & dit qaunt il fust airenne qil ne pout respondre sanz ses ordinaires.

SPIGURNEL si vous volez estre eide par seinte esglise renunciez la chartre <sup>14</sup> & provez al esglise vel *e contra*.<sup>14</sup>

Et il ne voleit weyver nul deux.

SPIGURNEL de qele roberie & de combien avez &c & de qele felonie clamez vous estre quite par ceste chartre qe vous le direz si vous volez estre eide par la chartre.

Sire de qaunt qe il iad jeques a la date de la chartre & pur ceo qil ne se voleit a une voie par sey.

JUSTICE remenez le a la prisone & lui metez taunt de feer com il pent porter &c.

Son pierre fust endite del recet & fust meinpris taunt qe le principal fust ateint de feet.

<sup>1</sup> Reported by  $\gamma$ ,  $\epsilon\epsilon$  and  $\tau$ . Text from  $\gamma$  collated with  $\epsilon\epsilon$ .  $\tau$  is not collatable with these. <sup>12</sup> This stands as marginal note in  $\epsilon\epsilon$ . <sup>3</sup> resoun,  $\epsilon\epsilon$ . <sup>4</sup> meuz,  $\epsilon\epsilon$ .

<sup>5</sup> The report in  $\tau$  ends: E demanda fut par Justices sil savoint trover nul autre coupable e eus respondirent qe noun e pur ceo les Justices furent le plus dur vers eus. <sup>6</sup> Note from  $\gamma$ ,  $\epsilon\epsilon$  and  $\tau$ . Text from  $\gamma$ . <sup>7</sup> Justices non inquiring,  $\epsilon\epsilon$ .  $\tau$  adds pur ceo qe touz les chateaux sunt au baron. <sup>8</sup> from  $\epsilon\epsilon$ .

<sup>9</sup>  $\epsilon\epsilon$  adds et W. de Beretord. Note from  $\gamma$  and  $\epsilon\epsilon$ . Text from  $\gamma$  collated with  $\epsilon\epsilon$ .

<sup>11</sup> Henrico,  $\epsilon\epsilon$ . <sup>12</sup> Reported by  $\gamma$  and  $\epsilon\epsilon$ . Text from  $\gamma$ , collated with  $\epsilon\epsilon$ . <sup>13</sup>  $\epsilon\epsilon$  adds nostre seignour. <sup>14</sup> ou pernez a la chartre et lesez seynthe eglise &c.,  $\epsilon\epsilon$ .





Of one who was acquitted by a dozen and afterwards indicted by the same dozen. A man was acquitted of homicide before Sir John Randolph at the common Gaol Delivery, and was during this Eyre indicted by the twelve upon the same facts. It appeared by the roll that of these twelve five had been of the acquitting jury. These five were called upon to answer etc., and as they could not deny it they were committed to prison as attainted. It was ordered that they should not serve on a jury during the continuance of the Eyre.

BEREWICK J. Jurors can be attainted only on their own acknowledgment, except it be by four and twenty knights etc.

If a married woman, during the lifetime of her husband, be under judgment for felony, THE COURT held that no inquiry was to be made as to chattels.

If one that be slain have received the rites of the Church there is no need that the coroner have view of the body, nor need any finder thereof appear in Eyre; and this was said by BEREWICK J.

A coroner was put under judgment for that he had assigned the port of Portsmouth to one H. of S., who had abjured the realm, when he might have assigned him a much nearer one from which to leave the country.

A certain clerk produced a charter from the King, by which charter the King pardoned him the death of Richard the merchant, whom he had slain and robbed; and this same charter spoke of divers other robberies. And the man, being a clerk, said upon arraignment that he could not answer without his Ordinaries.

SPIGURNEL J. If you want the help of Holy Church, you must drop your charter and stick to the Church, or *vice versa*.

But he would waive neither of them.

SPIGURNEL J. Of what robberies and to what extent, and of what other felonies do you claim pardon through this charter? You must tell us that if you wish to be advantaged by the charter.

Sir, of all there were up to the date of the charter.

And, because he would not restrict himself to one defence apart from the other:—

JUSTICE. Take him back to prison, and load him with as heavy weight of iron as he can bear etc.

His father was indicted for receiving, and was mainprised until the principal should be convicted.



<sup>1</sup> ALICE TAYLEUR v. ASSHYNDON ET ALIOS

## Note from Plea Roll

William Asshenden, Allan Somersham, John Galway, Guy Shenfield, William Lymesey, William Savage, Hugh Wyrhale, Clement Willemesay Asshenden, Robert Paunceford, and David Marsh are attached to answer Alice Taylor's appeal for robbery, 'videlicet quod ubi predicta Alicia habuit bona et catalla sua in capitali camera sua infra messuagium suum quod aliquando fuit predicti Hugonis le Taillur quondam viri sui in suburbio Londinii in parochia Sancti Botulphi extra Bisshopesgate quod quidem messuagerium situatum est inter messuagium Johannis Geryn ex parte una versus occidentem et messuagium Johannis de Cantuaria ex alia parte versus orientem cujus quidem messuagii porta stat et se aperit versus austrum et que porta facta est de bordis de quercu de altitudine duodecim pedum hominis et de latitudine decem pedum die veneris proximo post festum Assumpcionis Beate Marie anno Regis nunc vicesimo quinto ad horam occasus solis ibi venerunt predicti Willelmus de Asshendon Alanus de Somersham et Johannes de Galewey simul cum predictis Guidone et aliis Et felonice ut felones per insidias et insultu premeditato predictam portam frugerunt cum tribus hachiis que vocantur Boleax quorum quilibet habuit unam hachiam. Et quequidem hachie facte fuerunt de ferro et acerro de longitudine decem pollicium et de latitudine octo pollicium et manulorum cujuslibet hachie fuit de fraxino de longitudine trium quarteriorum unius ulni et de grossitudine in circuito decem pollicium. Et portam illam intraverunt et processerunt usque ad ostium camere sue predictæ que est in messuagio suo predicto et distat per quatuor perticas a porta predicta versus orientem quodquidem ostium factum est de bordis de quercu et aperit se versus occidentem. Cujus ostii altitudo est decem pedum hominis et latitudo sex pedum. Et felonice de predictis hachiis predictum ostium frugerunt et predictam cameram intraverunt et quandam cistam stantem in camera illa ad caput quidem camere versus orientem per duos pedes de pariete camere predictæ que quidem cista facta fuit de bordis de quercu de longitudine octo pedum hominis et de latitudine quatuor pedum. Et felonice ut felones predictam cistam cum predictis hachiis frugerunt et bona et catalla ejusdem Alicie ibidem inventa robbaverunt et asportaverunt videlicet viginti libras argenti existentes in quadam Gourla de albo Corio ejusdam cervi pretium Gourle duodecem denarii et similiter unam ollam argenteam continentem unum potellum precii quatuor librorum argenti. Et viginti et quatuor coelearia argentea precium cujuslibet coelearii xvij denarii. Et unam loriam ferream precii decem librorum. Et unam Haubergoun ferream precii centum solidorum. Et duo paria de platis ferreis copertis de nigro Corio de Cordewan precium cujuslibet paris viginti solidi. Et de cetero octo ulnas panni de Russeto de Coggeshale mixto precium cujuslibet

<sup>1</sup> Reported by γ and κκ.



## TAYLOR v. ASSHENDEN.

Note from Plea Roll—*continued*.

ulne duorum solidorum et quatuor denariorum. Et duodecim ulnas panni rubei mixti precium cuiuslibet ulne duorum solidorum et sex denariorum. Et unum pannum aureum continentem tres ulnas in longitudine et quinque quarteria in latitudine precii quadraginta solidorum. Et unum ciphum de maaer' ligatum argento sine pede precii decem solidorum. Et duo sigilla argentea unum scilicet sub nomine predicti Hugonis quondam viri etc. precii trium solidorum, et aliud sigillum privatum precii duodecem denariorum. Et unam crucem de auro et argento de capella sua de longitudine unius pedis et dimidii et de latitudine unius pedis precii unius marce. Et unam cartam per quam Johannes filius Petri de Tavy et Wentlyana uxor ejusdem feoffaverunt predictos Hugonem et Aliciam ad totam vitam utriusque ipsorum de manerio de Hyllpenton cum pertinentiis Comitatu Wiltes. De qua quidem robberia predictus Willelmus de Asshendon habuit ad partem suam predictas viginti libras argenti et cartam. Et predictus Alanus habuit predictam crucem. Et predictus Johannes habuit ad partem suam de predicta robberia predictam haubergoun. Et predicti Willelmus Alanus et Johannes post predictam feloniam factam simul cum predictis Guidone et aliis felonibus fugerunt. Et predicta Alicia eadem hora recenter sequebatur et levavit hutesium et clamium etc. et sequebatur de parochia in parochiam usque ad quatuor parochias proximas in circuitu et sic recenter ad proximum hustengium et exinde ad Curiam domini Regis quousque ad sectam ipsius Alicie fuerunt attachiati et hoc offert etc.'

Alan and John come, and each of them severally defends the words of the appeal and puts himself on the country. The jury find them guilty and they are hanged. William Asshenden comes and pleads clergy. As no Ordinary is present he is remitted to Newgate. Afterwards, on the quindene of St. Martin, come Alice and William. A representative of the Ordinary is now present and claims William. A jury is sworn to find how he should be delivered. It finds that William was not present at the robbery, but that Alan and John, who have been convicted, were of his mainpast, and that they committed the robbery at William's instigation, and that William received them after the robbery, and had his share of the booty, to wit, the charter of feoffment, etc. William is therefore delivered to the Ordinary as a convicted clerk, with the peril to the Ordinary appurtenant thereto. And the Ordinary is charged that he have him here again on the quindene of St. Hilary when he is to be appealed by Alice for the death of her husband. "Et prohibitum est predicto Abbati ne interim admittat purgacionem ipsius Willelmi." Inquiries are ordered as to William's lands and chattels. David Marsh was found guilty and hanged. The others could not be found, and were outlawed.



## I.

Appellum  
de roberia.

Alice qi fust la femme H. le Tailour siwz son appel de roberie vers plusours des queux vindrent iij. W. de A. Jon de C. & Ad. de la Marche & Alice fourma son appel vers les iij joyntement issint.

Alice qi fust la femme H. le Tailour qi ci est appelle W. de A. Jon de C. & Ad. de la Marche qi iluzes sount & A. B. & C. qi ne sount pas ici felonousement com felouns & en saut purpense countrre la pees &c. vindrent le venderdy prochein apres la feste del Assumpcioun de nostre Dame lan &c a heure de prime a la mesoun mesme ceste A. en le suburb de Loundre en la paroche de Saint Botolf de hors Alegate la qele meson est assis entre la mesoun R. deveer le West & la meson M. devers le Est. La vindrent ceus iij felonousement ove iij haches qe lem appelle Boleaxes dount la teste de checune hache fust de fer & dasser & la massue fust de coudre la lungure de chescune teste fust dun pie & la leeur de demie pie & la longure de checune massue dune aune & la grossure de checune massue de x pouz & la porte qe fust devant sa mesoun devers le souz ovesqe les avantditz haches debruserent la lungure de la porte si fust de xv pies & la laeur de x peez & les bors de Keyne & de ceo ne se tindrent pas paie mes felonousement com felouns la porte overerent & vindrent al eus de sa chambre qe fust devers le souz & les bords del eus furent de Keyne ove les ditz haches felonousement debruserent dount la lungure del hoes &c & la laeure &c & peus entrerent sa chambre &c & vindrent a sa husche qe estoit de par le West de sa chaumbre taunt de pees de son lit vers le Est & cele huche ove les ditz haches debruserent la lungure taunt la laeur taunt & les bors de Keyne & les biens en cele huche trovez felonousement pristrent & emporterent nomenent xl. mares desterlings qe furent en une gourle de quir de cerf blaunk pris de xii d. & xviiij aunes de russet pris del aune ij s. & une chartre de fellement qi contient &c & x aunes dun drap vermail pris del aune vi s.<sup>2</sup> dount W. avoit taunt a sa partie & Jon taunt & Ad. taunt qaunt ceste felonie avoient fet il sen alerent. Alice frechement leva heu & erie & frechement siwi de paroche en

<sup>1</sup> Text of (I) from γ.  
with the list given in the Roll.

<sup>2</sup> The list of goods stolen given here does not agree





## I.

Alice that was wife of Henry Taylor brought her appeal of robbery against several persons ; and of these came three, to wit, W. A., J. C., and Adam Marsh. Against these three jointly did Alice formulate her appeal after this wise :

Appeal of  
robbery.

Alice that was wife of H. Taylor who is here appeals W. A., J. C., and Adam Marsh who are there, as also A. B. and C. who are not here, for that they feloniously as felons and of malice aforethought against the peace etc. on the Friday next after the feast of the Assumption of Our Lady in the year etc. and at the hour of prime to the house of the same Alice within the suburb of London and in the parish of St. Botolph which said house is situate between the house of R., which lieth to without Aldgate, the west thereof and the house of M., which lieth to the east thereof, did come ; and having come there they, those said three, with three certain axes, commonly called poleaxes, the head of each such axe being of iron and steel, and of the length of one foot, each one of them, and of the breadth of half a foot, the clubs thereof being of hazel-wood, the length of each such club being one ell and the circumference of each such club being ten inches, did with the said axes proceed to break in the door that was in the front of her, the said Alice's, house, which said door looked towards the south, and was in height fifteen feet and in breadth was ten feet, the boards whereof were of oak ; nay, nor did this suffice them, but the said door they did open and towards the door of the said Alice's bedroom that was to the south thereof, the boards whereof were of oak, and the height whereof was etc., and the breadth whereof was etc., they did go, and the said door did they as felons with the aforesaid axes feloniously break in, and then did enter her bedroom etc. and went to her chest that stood towards the western part of her said bedroom, so many feet from her bed in an easterly direction, and that said chest that was of such and such length and such and such breadth, the boards whereof were of oak, with their said axes they did break open, and the goods and chattels that were in that same chest they did feloniously take and carry away, that is to say forty marks sterling that in a purse of white deer-skin of the value of twelvepence were contained, and eighteen ells of russet cloth of the value of two shillings the ell, and a charter of feoffment containing etc. and ten ells of vermilion cloth of the value of six shillings the ell, of all which things W. had so much for his share, and John so much, and Adam so much. And when this felony they had done they went away. Alice straightway raised hue and cry, and straightway followed it up from parish to parish and then from ward to ward until she came to



parole (*sic*) & peus de garde en garde taunt qe ele vynt as coroner & peus al prismer husteng peus siwi bref de fere prendre les felouns de fere les venir ceinz a respondre de ceste felonie. Si W. J. & A. soient tiels qils voient ceste felonie dedire Alice est prest a derener ceste felonie & roberie par qaunt qe ceste court agarde qe femme deyve vers homme.

*Sutton W.* vous dit qil est clerk & sauve son clergie il defend tute manere de felonies & de roberies & qaunt qe est encountre la pees le roi & sa coronne & sa dignete & demandoms le bref oyr.

*BERR.* A qey demandez vous le oye de bref de peus qe vous dites qe vous estes clerk & ne poez respondre saunz vos ordinaires.

*Goss* ceo sount ij contraries qar par taunt qil dit sauve sa clergie par taunt il suppose estre nient justifiable ceinz par qey vous nestes pas son juge & qaunt il demande le bref oyr il suppose aver juge ceinz & demandoms jugement de son defens.

Willem lessa sa clergie & deffendi les paroles de son appel & demanda le bref oier & le bref fust lieu & W defendi les paroles &c & issist dem-parler & revynt &c & sar ceo vynt Ad. de Kyng & chalengea la fraunchise de Loundre.

*Goss* vous estes venuz trop tard qar vous avez suffert lappel estre fourme & la partie fere son defens.

*Kyng* La partie nad done nul respouns ne nul jugement nest rendu &c.

*BERFORD* nous ne veoms uncore nul homme chalenger par qey nous devoms la fraunchise graunter.

*Kyng* Sire veez ci le bailif de Loundre qi chalenge la fraunchise.

*BERFORD* celz qi vous dites estre bailif fist les prisouns venir cea & touz jours peus ad este pres de eus & ad oy lappel & le defense saunz rien dire & danges vynt le gardeyn de Loundre & demanda lour fraunchise.

*BERFORD* vous ne estes mie venu a temps einz avez taunt demore qe la court ad power par lappel & par le d-fens.

*Kyng* respous de partie ne tout mie fraunchise a cely qi avoir la doit



the coroners and afterwards to the first court of hustings. And afterwards she sued out a writ to have the said felons arrested and brought here to make answer for this same felony. And now if W., J. and A. be of a mind to deny this felony, Alice is ready here to prove against them this same felony and robbery in whatever way this court shall judge it meet that a woman should prove them against men.

*Sutton.* W. tells you that he is a clerk; and, saving his clergy, he defends all manner of felonies and robberies and whatever else be against the peace of the King and his crown and his dignity; and we ask to have the writ read.

BEREFORD C.J. What is the use of your asking to have the writ read, when in the same breath you say you are a clerk, and cannot answer without your Ordinaries?

*Gosfield.* These are two pleas that suppose contraries. When W. claims his clergy he asserts that he is not triable here, and that this Court has no jurisdiction over him. When he asks to have the writ read he asserts that this Court has jurisdiction. We ask judgment of this defence of his.

William dropped his claim to clergy, and defended the words of the appeal and craved that the writ might be read. The writ was read, and W. defended the words etc., and then went out to emparl, and came back etc.; whereupon came *Adam King* and claimed the franchise of London.

*Gosfield.* You have come too late for that, for you have allowed the appeal to be stated and the accused to make his defence.

*Kingeshemede.* The accused has made no defence, and no judgment has been given etc.

BEREFORD C.J. We see no one here who has authority to claim the franchise in respect of him, or upon whose statement we could allow that franchise.

*Kingeshemede.* Sir, here you see the Bailiff of London, who claims the franchise in respect of W.

BEREFORD C.J. He that you say is bailiff is he that brought the prisoners here, and every day since then he has been in their neighbourhood, and he has heard this appeal and the defence without saying a word; and now he comes and tells us that he is the Bailiff of London, and claims the franchise in respect of them.

BEREFORD C.J. You have not come soon enough. You have been so long making up your mind that the Court has acquired jurisdiction through appeal counted and defence made.

*Kingeshemede.* The mere making of a defence by an accused person cannot deprive of the franchise anyone who is entitled to it, for such a



tut vosist la partie respondre par collusion & dautre part le gardeyn est venuz devant jugement par qey &c.

*Spigurnel* en play ne purent<sup>1</sup> delay par essoigne si la partie se face essoigner & le seigneur viegne avant lessoigne &c a chalenger la fraunchise asez vient il par temps & de peus qil est venuz al commencement de ceo play tut viegne il a la paroule respondre asez vient il par temps.

BERFORD nous regardoms mout la presence del bailif qi rien ne dist & fist les prisouns venir cea.

*Spigurnel* ceo fust par power de ceinz & ne mie pur ceo qil ne voleit la fraunchise avoir.

BERFORD pur qey ne ust il donges chalenge sur le appel qar le bailif le pout bien avoir fet.

*Kyng* aussint fist il.

*Gos* oyl apres le defense.

*Hegham* defense nest mie respounce de partie & tut fust il respouns uncore ne tout il mie power al seigneur a demander sa fraunchise.

*Midd.* La fraunchise ne se estent fors a douzeyns & il est foreyn.

*Kyng* nous le demandoms pur ceo qe le fet fust fet deinz la fraunchise & pur ceo ount il power a conustre tut fust ceo de mort domme.

BERFORD Sire gardein mes nenparlez de ceo qe si vous usez venuz par temps &c.

*Spigurnel* Willem defend &c & respond a Alice & lui semble qele ne peut tiel appel siwr en la fourme qe ele commencea qar femme ne peut seure vers homme de appel -i noun en iij cas pur la mort son baroun, son enfaunt ociz denz son ventre & pur rap & nous sumes en nul de ceus & prie allowaunce de la fourme de sa sute.

BERR & pur qey nient de roberie de ses biens aussi bien com homme.

*Spigurnel* pur ij resouns pur ceo qe la volunte de femme est chaungeable & pur ceo qe homme ne peut aver defense countre femme como encontre homme.

*Warr* sire nostre respouns est tiel pur ceo qe appel de roberie de femme doit estre fet en ceste manere ade primes doit ele seure countre

<sup>1</sup> Sic. Qu. a word missing. Sense requires 'ne purroms estre,' or the like.





defence might be made by collusion. Moreover the bailiff is come before judgment given, consequently etc.

*Spigurnel.* Our claim cannot be barred by an essoin, for if the party cast an essoin and the lord comes before the essoin etc. to claim franchise in respect of him, he comes in time for the claim to be receivable; and so here the bailiff is in time enough though he does not come till the prisoner is called upon for his defence.

*BEREFORD C.J.* We attach much importance to the fact that though this bailiff was here, and brought the prisoners here, yet he says nothing till now.

*Spigurnel.* His bringing the prisoners here was an act of obedience to the Court, and is not to be construed as a relinquishing of the right to claim franchise.

*BEREFORD C.J.* Why, then, did he not make his claim when the appeal was called? The bailiff could very well have come forward then.

*Kingshemede.* So he did.

*Gosfield.* Yes, but after defence opened.

*Heigham.* The defence is not the prisoner's answer, and even though he had made answer this does not deprive the lord of the right to claim his franchise.

*Middleton.* The privilege of the franchise consists only in being tried by a jury of the franchise; and, since this man is a stranger, that would be no advantage to him.

*Kingshemede.* We claim him because the felony was committed within our franchise, and because the liberty has jurisdiction even though the matter involved concern the death of a man.

*BEREFORD C.J.* Sir Warden, we need not discuss this matter further. If you had come in time etc.

*Spigurnel.* William defends etc. and makes answer to Alice, and submits that she cannot prosecute this appeal in view of the facts she has opened. A woman cannot prosecute an appeal against a man except in one of three cases, that is to say, for the death of her husband, or for her child slain within her womb, or for rape; and here we are not concerned with any one of these three cases. And so we ask that the appeal be dismissed for informality.

*BEREFORD C.J.* Why can't a woman appeal for robbery of her property as well as a man?

*Spigurnel.* For two reasons; firstly because a woman easily changes her mind, and secondly because a man cannot have the same defence against a woman that he has against a man.

*Warwick.* Sir, we say that when a woman brings an appeal of robbery she must bring it in the following way. First she must make



lui en countee freschement issint qe ele soit atache ove ses biens & peus doit ele remuer la parole devant Justices & prioms allowaunce &c.

BER dites outre jeo lou.

*Spigurnel* checun apel doit estre fet en dewe fourme & en ordre mes ordre serroit en tiel apel de nomer les biens tauntost apres la brusure de la huche mes en son appel ad ele tresaily<sup>1</sup> les biens & fet entreval & peus revynt a les biens qe est ordre retrogradient & prioms allowaunce. *Item* la ou ele nome les chateus ele ne fet nule mencioun del lungure ne del laeur del trenche ne le qel ils debruserent la porte nel eus ovesqe le trenche ou de la teste desicome divers maners de brusures sont del un & del autre *Item* ele ne dit nient le qel la teste de la hache fust quarre ou leve com diverses sont *Item* ele ne dit nient de qele chose la teste fust tache qar ele ad dit la lungure dune massue mes massue est une arme par sei a qey nule hache ne peut estre atache mais ele appelle massue une handle. Ideo &c. *Item* ele ne dit pas de qele part de la porte lun debrusa & de qel part lautre mes suppose qe touz iij debruserent en un lieu qe est impossible qe iij hommes forgent simul & semel en un lieu & de ceo prioms allowaunce *Item* la ou ele fet son appel de roberie feste le venderdy &c a tiel jour avoit ele baroun H. par noun en qi persone la proprete des biens demurra &c.

BER volez plus chalenger.

*Spigurnel* qaunt a la fourme de son appel nous prioms allowaunce & qaunt al principal il est clerk.

*Gos* vous lavez weyve qar vous avez defendu les paroles tut de pleyn saunz fere protestacioun de clergie par qey vous estes demorre en nostre agard com homme lay qar en taunt com vous priez allowaunce de voz chalenges si estes demoree en lour jugement & ceo ne poez fere fors com homme lay & ceo qe vous respondez outre que vous estes clerk a ceo ne serrez resceu qar ceo serroit a defere ceo qe vous avez devaunt graunte com power de court & demandons jugement.

<sup>1</sup> The text has 'cesaily,' a *vox nihili*. See *Glossary*, s.v. 'tresaily.'



immediate suit against the felon in the county court, so that she may be attached to give security with her possessions, and then she must remove the matter before the Justices. And we ask that the appeal be not allowed etc.

BEREFORD C.J. I should advise you to find some better argument than that.

*Spigurnel.* Every appeal must be made in proper form, and the facts laid in proper order. Now the proper order for laying the facts in an appeal of this kind is to lay specifically the goods alleged to be stolen immediately after laying the breaking of the chest from which they were stolen ; but Alice, in this appeal of hers, before laying the goods, tells a long story about something else, and then at last gets to the goods. This is putting the cart before the horse ; and for this wrong laying we pray abatement. Again, while she lays the goods *nominatim*, she says nothing as to the length or breadth of the blades of the axes, nor as to whether these men broke the house-door with the cutting-edge or the blunt butt of the axes, for the breaking would be different according as it was done by cutting-edge or blunt butt. Again, she does not say whether the butts of the axes were heavy or light, and different axes have different kinds of butts. And yet again, she does not say to what the heads of the axes were attached. She speaks of the length of a club, but a club is a weapon of itself, to which no axehead need be attached, nor, indeed, can be attached, but she calls the haft a club. Further, she does not specify what particular part of the door was broken by one of these men and what part by another, but supposes that all three of them broke the door at the same place, and it is impossible that three men should be battering in, together and the same time, one and the same part of the door, and for this also we ask abatement. Yet again, she brings her appeal for robbery committed on the Friday etc., but on that day she had a husband, one Henry by name, and the property of these goods was in him etc.

BEREFORD C.J. Have you any other exceptions to take ?

*Spigurnel.* We crave abatement of the appeal by reason of its form ; and as to the principal, we say that he is a clerk.

*Gosfield.* That claim you have waived, for you defended fully the words of the appeal without demurring on the ground of clergy ; and so for us here you are a layman. Again, in all the exceptions you took on the words of the appeal, you submitted yourself to the judgment of the Court, and that you could only do as a layman. And now you claim clergy ; a claim which the Court will scarcely admit, seeing that to do so would be to stultify all that you have already granted as to the jurisdiction of the Court ; and we ask judgment.



*Spigurnel* noun serroit qar nous ne demoroms mie en jugement sur le principal einz dioms qe al principal ne pooms respondre mes la fourme de son appel avoms chalenge & prioms allowaunce.

BERFORD Allowaunce ne poez aver saunz agard & jugement mes ajuge ne poez vous estre saunz juge & partie & pur ceo en taunt coin vous priez allowaunce vous grauntez aver juge ceins & vous estes partie dount si autre chose diez pur guerpir la court si estes repugnaunt a vous mesmes. *Item* qey est ceo a dire de prier allowaunce de voz chalenges qaunt a la fourme & vous ne poez respondre al principal qar si voz chalenges vous soient alowez si est lappel abati en droit de la femme de sa seute par qey il semble dautrepart si lour appel estoise par nostre agard qe le appelle est en cas de peril & pur ceo qe le juge ne se doit claher<sup>1</sup> il covient qil tiegne a un des ij voies com clerk ou com lay qar ne serroit mie bon agard qe lappele estut saunz real principal.

*Warr* il semble a nous qe ci qar tut se abatist lappel en droit de la femme uncore covendroit il respondre al roi del principal par qey en droit del principal il peut doner autre respounse.

BERFORD a la seute le roi serra il arrenne sur le principal apres lappel abatu vers lappelour & noun pas a seute de partie & pur ceo en droit des parties Juge trenche mes lun cas ad sa prerogative.

BERFORD qi respount.

Jon Sire jeo fu clerk & ne peus respoundre.

BERFORD ceo ne veioms nous pas mes nous veoms qe vous estes appele dune roberie & pur ceo veiez coment vous volez defendre.

*Hamptone* Jugement de lui come dateint de felonie.

*War* Jeo crey tut voleit il se mettre de peus qil ad coronne & est clerk & ceo poez saver par examinement & par sa coronne qe vous nel soffriez mie &c qar lestat nel soefre mie mettre mes qil vousist.

<sup>1</sup> See *Glossary*.





*Spigurnel.* There is nothing in what you say. We have never submitted ourselves to the judgment of the Court on the real issue; and on that issue we say that we cannot accept the jurisdiction of the Court. We have merely sought to show that the appeal is bad in form and ought, on that ground, to be abated.

BEREFORD C.J. Abatement you cannot get without award and judgment; and judgment is impossible without judge and party. In asking us for abatement you have recognised our jurisdiction as judges and yourselves as parties in our Court. If then, you are now going to set up some plea denying jurisdiction to the Court, it will nullify all you have already advanced. Again, what is the sense of claiming to have the appeal abated by reason of the objections you have taken to its form, and at the same time saying you cannot plead to the merits? If your objections be allowed the appeal on this woman's prosecution drops; and, on the other hand, if we uphold the form of this appeal, it seems to me that the accused is in perilous case. Now it is not the function of a Judge to settle such a point of his own authority, and so you must choose definitely yourself between being Church's man and not Church's man; for it is no use our saying the form of the appeal is good if there be no appellee to answer it.

*Warwick.* So it seems to us, for even if this appeal at the woman's prosecution be quashed, yet there is still the King's appeal, and, if upon the prosecution of that this man be called upon to plead to the facts, he may give some other answer.

BEREFORD C.J. If the appeal be abated against the appellor, the appellee will be arraigned upon the facts at the King's suit, and not at the suit of a party. In an appeal brought by a party the Court must make the accused say definitely whether he stands by a plea of clergy solely. In an appeal on the prosecution of the King he may plead to the facts, while saving his clergy.

BEREFORD C.J. Who makes answer?

John. Sir, I am a clerk, and cannot answer.

BEREFORD C.J. We do not see that, but what we do see is that you are appealed of a robbery, and so you had better bethink you of what you will say in your defence.

*Hampton.* We ask for judgment of him as convicted of felony.

*Warwick.* I submit that though he were willing to put himself on a jury you would not allow him to do so, for he is tonsured and a clerk; of this latter you can satisfy yourselves by examining him, and his tonsure is obvious; and such an one may not, even if he would, put himself on a jury.



BER vous dites mal qar nous soefrons bien de sey mettre mes si les ordinaires lui vodront demander nous lui baudioms.

W'arr apres bataille<sup>1</sup> serreit il liveree a les ordinaires par qey il semble qe son mettre nest mie receivable en ceo cas.

BERFORD le qel serra la bataile delaye par la demande del ordinaire ou par chalenge de la partie.

War par la demand del ordinaire.

BERFORD nous ne veoms ore nul ordinaire qi le demande.

Jon Sire sauve ma clergie jeo me met en bon pays.

BERFORD qele manere de mise est ceo. Jeo poos qe vous fusez soily par pays de qey servirent donqes ceste enqeste sil se purra donqes prendre a sa clergie.

War il semble qe il se met en dewe fourme qar tut feust il demande par ses ordinaires uncore vous enquerrez de son estat pur qel il serroit liveree par qey il semble qe en mesme la manere se peut il mettre.

BERFORD cele enqeste serroit prise de nostre office & nient a la seute de la partie mes la ou homme se met la fet homme venir pays a la sute de partie & pur ceo veez coment ceste enqeste se joyndreit sur cele condicioun mes a la seute le roi cele fourme ne serreit bien receivable.

War nous entendoms qe checung seute.

## 2 II.

Alice la Tailour siwz son appel en bank le Roy de roberie et felonie faite et counta vers touz en commun, et les appeles defendent seueralment et demanderent le bref oier, sauve a eux lour clergie et lestat de seinte eglise.

GOSFELD. A ceo ne deuez estre ressu pur la reson qe qaunt vous defendet les motz de la court vous auez afferme la jurisdiction, en taunt com vous sauet vostre clergie, si bieз vous oster la jurisdiction, pur quoi nentendoms pas qe a tel respouz respoignaunt seiet receivable et a ceo assenti BERFORD.

Pur quoi il defend de rechief et enparler pur cunge saunz departir de la barre et saruyndrent le gardein et les citezeinz de Londres a prier lour franchise par la reson qe le leu ou la felonie dust auer este faite si fust dedeinz la franchise et lour jurisdiction, et a ceo fust dit par

<sup>1</sup> There is a space left blank here in the MS.

<sup>2</sup> Text of (II) from xx.



BEREFORD C.J. You are talking at random, for, as a matter of fact, we often allow clerks to put themselves on a jury, and then, if their Ordinaries come and claim them, we hand them over to them.

*Warwick.* After combat he would be delivered to the Ordinaries, and consequently it seems that he ought not to be allowed to put himself on a jury in this case.

BEREFORD C.J. Would the combat be granted by demand of the Ordinary, or by claim of the opposite party?

*Warwick.* By demand of the Ordinary.

BEREFORD C.J. We see here no Ordinary who demands it.

*John.* Sir, saving my clergy, I put myself on my country.

BEREFORD C.J. What do you suppose is the good of such a putting yourself upon the country as that amounts to? Suppose the jury convicts you; what will have been the use of trying you at all if you can then set up the plea of clergy?

*Warwick.* I submit that he has used the proper form of words, for, even if he were claimed by his Ordinaries, you would make inquest to determine whether he should be so delivered as a convicted clerk or how; and I submit that he may in the present circumstances properly make the reservation he has made.

BEREFORD C.J. Such an inquest as you refer to would be set in motion by the official action of the Court and not at the suit of a party; and so you can see how such an inquest is compatible with the reservation of clergy; but where the King is prosecutor we cannot admit it.

*Warwick.* We understand that both are prosecuting.

## II.

Alice Taylor in the King's Bench prosecuted her appeal that was brought for robbery and felony, and counted against all the appellees jointly; but the appellees made several defence, and prayed the hearing of the writ, while saving their clergy and that they were Holy Church's men.

*Gosfield.* Such answer as that cannot, I submit, be received, for, when you plead to the facts, you admit the Court's jurisdiction; and when you plead clergy you practically take exception to it; and so we cannot believe that such an answer as you have made will be received; and to this BEREFORD C.J. assented.

Thereupon they withdrew such answer, and had leave of the Court to empanel while remaining at the bar. And now came the Warden and citizens of London to claim their franchise because that the place where the felony was said to have been committed was within their franchise and jurisdiction. And to these was it replied after this sort by



BERFORD qil vindrent trop tard a chalanger la fraunchise qar en taunt com les appeles auoient defendu les motz de la court il demanderent conge denparler si affermer eux jurisdiction et pouer de court, et si vostre fraunchise vous fust ore graunte ceo serreit a toler jurisdiction et pouer de ceste court qe serroit incouuenient. Dautrepart les appeles furent amenez ceins par vos baillifs demene par vnt vous purrez auer chalange vostre fraunchise auant lappel attame et pouer de court afferme pur quoi vous estes venuz trop tard.

*King.* Nentendez pas qe loui defense qil unt feut ne deiuent a nous tourner en prejudice a chalanger nostre fraunchise qar ico pas qe un clerc feloun qi fust arene deuant Justices se vousist conustre feloun et weiuer sa clergie ou deuenir appellour et gager bataille et si lordinaire vensist denaunt jugement rendu et il le demandast com membre de sainte eglise, ico entenke qe tut vousist il de gree waiuer sa clergie lordinaire laueroit hors de ceins par meme la reson semble il par decea qe couint qil eient defendu les mots etc. ou autre chose dit qe ceo ne toudra pas as citezeinz de Loundres lour franchise depus qil sount venuz deuant iugement rendu nient countre esteaunt ceste reson fust dit as appeles qil responderent outre saunz granter la franchise.

*Spigurnel.* Willem defend &c. et respond a Alice et lui semble qele ne pent tiel appel seure en la fourme qe ele commeneea qar femme ne peut seure vers homme de appel si nown en iij cas pur la mort son baroun occis entre ses bras son enfaunt abortif et pur rap et des chateux par la ou home est pris oue main owre et cele chose freschement suy et le feloun et sa seute freschement suwz et le feloun et sa seute freschement attache et nous sumes en nul de ceus et prie allowaunce de la fourme de sa sute et par la reson pur quoy appel de femme ne doit estre meintenuz en taunt de cas com appel de home pur ceo qe femmes sount chanchables de charge et dautre part home nauera mye meme lauantage a sey defendre par soun corps en appel vers femme com il aueroit vers home, et pur autre reson prioms alouance de cest appel qar nous dioms qe la proprete des chateux sur queux ele fait soun appel de roberie nesteient mye a luy a tiel iour com ele ad dit cele roberie estre faite, la vous dioms nous qa tel jour qele ad nome, saver le venderdy proschein auant lassompeioum nostre dame si fust sun baroun en pleine





BERFORD qil vindrent trop tard a chalanger la fraunchise qar en taunt com les appeles auoient defendu les motz de la court il demanderont conge denparler si affermer eux jurisdiction et pouer de court, et si vostre fraunchise vous fust ore graunte ceo serreit a toler jurisdiction et pouer de ceste court qe serroit incouenient. Dautrepart les appeles furent amenez ceins par vos baillifs demene par vnt vous purrez auer chalange vostre fraunchise auant lappel attame et pouer de court afferme pur quoi vous estes venuz trop tard.

*King.* Nentendez pas qe lour defense qil unt feut ne deigent a nous tourner en prejudice a chalanger nostre fraunchise qar ieo poi qe un clerc feloun qi fast arene deuant Justices se vousist comestre felon et weüer sa clergie ou deuenir appellour et gager bataille et si lordinare vensist deuaunt jugement rendu et il le demandast com membre de sainte eglise, ieo entenke qe tut vousist il de gree waiuer sa clergie lordinare laueroit hors de ceins par meme la reson semble il par decea qe couint qil eient defendu les mots etc. ou autre chose dit qe ceo ne toudra pas as citezeinz de Loundres lour franchise depus qil sount venuz deuant jugement rendu nient cointre esteaunt ceste reson fust dit as appels qil responderent outre saunz granter la franchise.

*Spigurnel.* Willem defend &c. et respond a Alice et lui semble qele ne peut tiel appel seure en la fourme qe ele commencea qar femme ne peut seure vers homme de appel si nown en iij cas pur la mort son baroun occis entre ses bras son enfaunt abortif et pur rap et des chateux par la ou home est pris oue main owre et cele chose freschement suy et le feloun et sa seute freschement suwz et le feloun et sa seute freschement attache et nous sumes en nul de ceus et prie allowaunce de la fourme de sa sute et par la reson pur quoy appel de femme ne deit estre meintenuz en taunt de cas com appel de home pur ceo qe femmes sount chanchables de charge et dautre part home nauera mye meme lauantage a sey defendre par soun corps en appel vers femme com il aueroit vers home, et pur autre reson prioms alouance de cest appel qar nous dioms qe la proprete des chateux sur queux ele fait soun appel de roberie nesteient mye a luy a tiel iour com ele ad dit cele roberie estre faite, la vous dioms nous qa tel jour qele ad nome, saver le venderdy prochein auant lassompceioun nostre dame si fust sun baroun en pleine



**BEREFORD C.J.** You come too late to claim franchise, for the appellees by defending the words of the appeal and by asking leave to imparl have recognised the jurisdiction and authority of this Court over them ; and if we were now to grant your claim of franchise we should be ousting this Court from the jurisdiction and authority which the appellees have recognised it possesses ; and this we cannot with any seemliness do. Moreover the appellees were brought here by your own bailiffs, and consequently you had ample opportunity to claim franchise before the appellees made answer and recognised the authority of this Court. And so we rule that you are too late.

*Kingshemede.* We submit that such defence as they have made cannot prejudice our right to claim franchise ; for suppose the case of a felon clerk arraigned here before this Court who was willing to plead guilty and waive his clergy or to turn approver and make wager of battle, and that thereupon, and before judgment given, the Ordinary came and claimed him as Holy Church's man. I think that Ordinary would get him, notwithstanding the fact that he had waived his clergy. I submit that the same reasoning holds here ; and that though these men have defended the words of the appeal or have said whatever else they have said, the mere fact of their having done so cannot deprive the citizens of London of their franchise, seeing that they have presented themselves here before judgment given.

The Court, however, ruled that the appellees must defend themselves there, and refused the claim of franchise.

*Spigurnel.* William defends etc. and makes answer to Alice ; and he says that her appeal is bad in law. And he says this because a woman may appeal a man in three cases only, to wit, for the death of her husband slain within her arms, for the death of her child slain within her womb, and for rape and for goods stolen where the thief is taken with such stolen goods in his possession, and suit thereof straightway made, and the felon and his suit straightway prosecuted and straightway attached. Of none of these things is there here any question, and William therefore prays abatement of the appeal on the ground of its informality ; and the reason that a woman may not bring an appeal in as many cases as a man may do is, on the one hand, that woman is variable in her nature, and, on the other, that a man has not the advantage of defending himself with his body against a woman as he has against a man. And for yet another reason do we ask abatement of this appeal. The property in the chattels, for the stealing of which Alice brings this appeal, was not in her on the day she says they were stolen ; for on the day she has laid, to wit, the Friday next before the Assumption of Our Lady, her husband was in full life, and, he being so alive, Alice had no



vie, pur quoi vuiant soun baroun ne pust ele en nul chatel proprete clamer, et de ceo priours allouance pleinement.

BERFORD. Volet autre chose dire ?

*Spigurnel.* Sauue a lui ses allouances et sauue lestat de seinte eglise sei met etc.

BERFORD. A ceo nauendrez mye si vous ne voletz waiuer ses chalanges del appel.

*Warr.* Sire, nous auoms apri de vous et de nos autres segnourages qe clerk qi pust mettre sauue sa clergie.

BERFORD. Vous auet malement entendu qar vostre response seilie endroit de la seute le Roy et nient qant a la seute de partie car ne enioera mye dambedeux, et veez ore en quel estat il est, qar posom qe lappel fust agarde bon ne serieit il pur taunt atteint, et par consequens dampnable ; et sil abatist lappel ne serreit il quite endroit de sa seute quasi diceret sicom serreit ceo dunqe reson qil sei coiaist de deux peremp-tories, nanil, mes perney vous al un.

*Warr.* Sa accion ne serroit mye pur taunt esteinte, qar posoms qil fust liuere al euesqe al peril qappent e temps de purgation la femme aueroit sa accion vers lui entierement.

## <sup>1</sup> ALICE TAILOUR v. ASSHYNDON ET ALIOS.

### Note from Plea Roll.

‘In octabis Sancti Michaelis anno Regis Edwardi filii Regis Henrici xxvto. finiente.’ Alice the wife that was of Hugh Taylor appeals ‘Willelmus de Asshyndon, Alanus de Somersham, Johannes de Gaileway, Simon de Stevington, Simon filius ejus, Rogers le Messer et David de la Marche, Guido de Shenefeld, Willelmus de Lymesy, Willelmus Sauvage, Hugo de Wyrhale, Clemens Willemesay de Asshendon et Robertus Pauncelford’ for the death of her husband ‘inter brachia sua interfecti et de pace domini Regis nunc fracta videlicet quod ubi predicti Alicia et Hugo quondam vir etc. fuerunt insimul in pace dei et domini Regis nunc die martis proximo ante festum Assumptionis Beate Marie anno regni Regis nunc vicesimo quinto ad horam occasus solis in villa de Litlebury in comitatu Essex juxta Waldene Abbatis ad caput ville predictae de Litlebury versus aquilonem in quodam loco qui vocatur le Hallelane in medio loci predicti de la Hallelane.’ Hither came the accused men, and ‘insidiose et insultu premeditato felonice ut felones predictum Hugonem quondam virum etc. insultavit et ipsum Hugonem’ feloniously slew ‘inter brachia ipsius Alicie.’ W. of Asshenden is alleged to have slain him ‘cum quodam cultello.’ The others, severally, with several weapons, severally named, axes, barbed arrows,

<sup>1</sup> Reported by γ and κκ.



property in any chattel ; and on this ground we crave the complete abatement of this appeal.

BEREFORD C.J. Do you want to say anything else ?

*Spigurnel.* Saving to him these objections and his being Holy Church's man, he puts himself etc.

BEREFORD C.J. You cannot be allowed to claim clergy unless you waive your objections to the form of the appeal.

*Warwick.* Sir, we have understood from you and my other lords that a clerk may put himself on the country, yet saving his clergy.

BEREFORD C.J. Then you have understood us very badly. What you suggest applies only in the case of a prosecution by the King, and not in the case of appeal by private party ; and you will never get it allowed in both. Consider, now, the position *W.* is in. If the appeal is found good, will he not be convicted, and consequently condemned ; and if the appeal be abated will he not go quit of the prosecution ? (*meaning that he would*). Is that any reason why he should dally between two mutually exclusive answers ? No, no ; you must stick to one or the other.

*Warwick.* Alice's right of action against him would not be extinguished, even if his reservation of clergy were to be allowed, for supposing he were given up to the bishop, with all the contingent peril of such delivery, to make his purgation, she would still have her right of action against him undiminished.

## TAYLOR *v.* ASSHENDEN.

### Note from Plea Roll—*continued.*

knives, etc. William Asshenden, Alan Somersham, John Gallway, Roger and David, now come ; and all of them, except William, defend the words of the appeal and put themselves on the country. '*Et Alicia similiter.*' So the Sheriff is bidden to have a jury on the octave of St. Michael ; the accused remaining in custody. On the appointed day they come again, but the bailiffs, so the Sheriff reports, had neglected to summon a jury, and so the matter is adjourned to the quindene of St. Hilary, and the court cautions the Sheriff against any further neglect in summoning a jury. It is now reported that David de la Marche has been hanged at Newgate on Alice's appeal for robbery [see p. 113], and so, against him, '*cessat processus.*' Afterwards on the quindene of St. Hilary, anno 26, come Alice and Roger ; and the jury come and say that Roger was not present when Hugh was killed, but that he was '*de prelocutione interfectionis illius consentiens*' ; and so Roger is sent to Newgate gaol till some principal has been convicted, and he is delivered to Roger of Appley, then Sheriff of London ; and





Note from Plea Roll—*continued*.

Alice is to prosecute her other appeals three weeks after Easter. And process is now stayed against Alan Somersham and John Gallwey, as they have been convicted on Alice's appeal for robbery and breach of the peace, and have been hanged.

William Asshenden pleads clergy, and says he cannot answer here; but, as no representative of the Ordinary comes to claim him, he is remitted to Newgate 'quousque etc.' Afterwards, on the quindene of Hilary William and Alice come; and again William pleads his clergy. Whereupon a representative of the Archdeacon of Westminster, who is the local Ordinary, claims William as a clerk. Inquest is now ordered by the Court as to how William shall be delivered, i.e. whether as a convicted clerk or not. The jury find that William did not slay Hugh, but that he was present when Hugh was killed and was aiding and abetting, 'in auxilio, consensu et forcia.' And now, because no one has yet been convicted of the principal fact, William is remitted to the custody of the Church till three weeks after Easter, when Alice is to prosecute her appeal *de facto*.

And now the Sheriff is bidden to arrest the two Simons, father and son, and have them here. They come, and thereupon Alice is called, but she does not come, and so the two Simons go quit of Alice's appeal, and Alice herself is to be taken, and her pledges are put in mercy. The two Simons are now arraigned at the suit of the King. They defend the words of the appeal, and put themselves on the country. So the Sheriff is bidden to have a jury on the octave of St. Martin, the two Simons meanwhile

<sup>1</sup> I.

Appellans  
uxoris de  
morte viri.

Alice qi fust la femme H. le Tailour fist un appel de la mort lavantdit H. son baron & fust le original porte en Baunk saunz ceo qe la parole ne fust atame en countee & pur ceo qe le seriaunt dit en countaunt son appel qe apres la mort H. & la felonie fete la femme siwy frechement de counte en countee jebes qe les appelez furent arestuz.

War defend pur W. de Assedone & Alein de Horsham & autres appelez & demanda oye de bref.

BERFORD qy est ceo a dire loie du bref.

War par la forme del appel ils supposent qil aveit sente fete en countee par qey nous entendoms qe ceo qe fust la est maunde ceinz.

Hamptone la femme vous dit qe ele siwy al prochein countee pur atacher son appel & peus purchacea ele bref pur atacher les appelez. E pur ceo ele appella checun de la mort son baron & de diverse play mes lappel de roberie counta ele joyntement vers touz pur un appel & ceo est pur ceo qe ele appella touz dune manere de roberie &

<sup>1</sup> Text of (I) from γ.



Note from Plea Roll—*continued.*

remaining in custody. On the day appointed the Sheriff reports that the bailiffs have neglected to summon a jury, and so the matter is adjourned to the quindene of St. Hilary. By that time a jury has been got together, and it finds the two Simons not guilty.

Guy Shenfield and the others subsequently named in the appeal are now appealed by Alice for abetting. They do not come, and the Sheriff is ordered to attach them. He reports that they cannot be found, and so they are put in exigent till they can be had ; and they are to be here three weeks after Easter.

Three weeks after Easter come Alice and William Asshenden, 'et quia compertum est . . . quod Willelmus Lymesii, Willelmus Sauvage, Hugo de Wyrhale, Clemens Willemsay de Asshendon et Robertus Paunceford,'<sup>1</sup> have been appealed by Alice for the death of Hugh and have been outlawed, it is ruled that they are convicted 'per contumaciam de facto.' So William Asshenden is now found guilty by the jury of aiding and abetting, and he is delivered to the Abbot of Westminster ; and inquiry is to be made as to his lands. .

## I.

Alice that was wife of H. Taylor brought an appeal for the death of the aforesaid H. her husband, and it was commenced in Bank without any preliminary hearing in the county court ; and this because, as the serjeant explained, in counting his appeal, that immediately after the death of H. and the commission of the felony, Alice had straightway made suit from county court to county court until the appellees were arrested.

Appeal of  
writ for the  
death of her  
husband.

*Warwick* defends W. of Asshenden and Alan of Somersham and the other appellees, and asks that the writ may be read.

BEREFORD C.J. Why do you want the writ read ?

*Warwick.* They allege in the words of their appeal that suit was made in the county court, from which we infer that a matter commenced in the county has been moved here.

*Hampton.* The wife told you that she made suit in the next county court that she might be attached to prosecute her appeal, and that she then purchased her writ that she might have the appellees attached. And for that reason she brought an appeal for the death of her husband against each one of them severally, counting several facts against each severally ; while her appeal for robbery she brought against them jointly, charging them all with jointly committing the same robbery, and laying the same facts against them all jointly. Now in this appeal

<sup>1</sup> Guy Shenfield is omitted from the list, probably in error.



Ideo nota quod in hoc appello ipsa formavit appellum suum singillatim versus singulos.

Warr pur W. defend tute manere de felonie & tute manere de homicides & qaunt qe est encountre la pees &c & demanda le bref oyr & feust lieu & item defendi les paroles & dit qe W. fust clerk par qey il ne purra &c.

BER ceo ne savoms pas.

Willem—Jeo prie destre examine qar jeo ay coroune & feust examine.

BERFORD nous ne veoms nul ordinaire qi vous demande.

E sur ceo vynt un T. moygne de Westminster ovesqe lettre labbe de Westminster & le demanda com clerk.

BER qi estes vous.

War Sire il est ordinaire & si ad il son garaunt & mist avant une tiele lettre.

A touz Christiens W. par la grace de Dieu &c salutz en Dieu. Sachez nous aver donee power a nostre chier en Jhesu Christ frere Thomas de S. nostre Ercelekeine a demander W. de Ass-sedone (*sic*) arestu devant justices en Baunk &c. Donee &c.

BERFORD par la ou clerk est appele de felonie & est demande &c est a la court a saver qe cely qe demande est Ercevesqe ou Evesqe qar autres nount mie power de lour teste demander & si autre le demande qi eyt power del Evesqe est a la court de veer si le garaunt soit suffisaunt ou noun qar il nous semble qe a vous ne deit il estre livree par vertue de ceste lettre qar tut vous eit il done power a lui demander ja pur ceo il ne vous donne mie power a lui recevoir & ceo vous covent aver qar qi qe vodra lui purra demander. *Item* il covendroit dire pur qey il feust devaunt justices &c ou pur appel de felonie ou de roberie ou pur appel de provour & ceo ne fet ele mie par quei &c.

Hegham coment pout celui qi purchacea la lettre ceo savoir.

BER par latachement & pur ceo qe ceus ij pointz failent en ceste lettre entendoms qe ele ne soit mie suffisaunte pur nous ne pur vous & pur ceo voloms saver si W. voille autre chose dire & pur ceo fust il remaunde a la prisone & la femme fourma son appel vers Aleyn.

Aleyn Sauve ma clergie Jeo me met en bon pays qe de rien coupable.

BER ceo nest pas response & pur ceo qil ne se voleit prendre a la



it is to be noted that she brought a several appeal against each one severally.

*Warwick*, for W., defends all manner of felony and all manner of homicides and whatsoever be against the peace etc.; and he asked that the writ might be read; and read it was. And then he defended the words of the writ, and said that W. was a clerk, and so could not etc.

BEREFORD C.J. That we do not know.

William. I pray examination, for I am tounured. And he was examined.

BEREFORD C.J. We see here no Ordinary who claims you.

And thereupon there came one T., a monk of Westminster, bearing a letter from the Abbot of Westminster; and this T. claimed W. as a clerk.

BEREFORD C.J. Who are you?

*Warwick*. Sir, he is the Ordinary, and he has due authority. And the monk produced a letter to the following effect:

'To all Christian folk W. by the grace of God etc. greeting in God etc. Know that we have given authority to our well beloved in Christ Jesus brother Thomas of S., our Archdeacon, to claim W. of Ashdon that is now arraigned before the Justices in Bank etc. Given etc.'

BEREFORD C.J. When a clerk that is appealed of felony is claimed etc. the Court must inform itself whether he that so claimeth him be either Archbishop or Bishop, for to none other doth it appertain of his own authority to make such claim. And if other make such claim as Bishop's delegate, the Court must assure itself that he has received sufficient authority so to do. Now it seems to us that we ought not to deliver this man to you in virtue of this letter, for though it gives you authority to claim him, it gives you no authority to receive him; and that authority you ought to have, else anyone who chose might claim him. Further, the letter ought to have stated for what reason this man was now before the Justices etc., whether on appeal of felony or robbery, or on an appeal by an approver; and that it does not state, wherefore etc.

*Higham*. How was he who procured this letter to find that out?

BEREFORD C.J. By the form of the attachment. Now, seeing that in these two points this letter is deficient, we are of opinion that it is sufficient neither for us nor for you. Therefore we must ask W. if he has aught else to say. And seeing that he would say naught else he was remitted to prison, and the wife counted her appeal against Alan.

Alan. Saving to myself my clergy, I put me on my country, and say that of naught am I guilty.

BEREFORD C.J. You cannot make such answer.

And seeing that he would plead neither solely as clerk nor solely





clergie ne a la layte fust agarde a sa penance sur la nue terre & le jour qil mangast qil ne bevereit rien &c.

En droit de Simond la femme se resortit de son appel & pur ceo feust agarde qe ele fust prise & emprisonne & Simond qite del appel la femme mes il fust arenne a la seute le roi & il se mist en pays. Ore en cest appel ad le roi la seute tut ne fust il mie attame mes ici nad il mie en appel de rap Ratio diversitatis par statut & si ad le roi sa seute si la partie ne feust nient com en mort domme. E la ou la partie se met a la seute le roi sauve sa clergie & soit aquite tut ne sey met il nient a la comune ley homme enquera des abbettours & il siwera bref devers eux & si nul del saunk celui qi fust ocys soit nommee abbettour il purra dire qil le fist pur son saunk venger & ne mie par malice & de ceo serra enquis &c. Teste appello facto versus abbatem de Shippington.

## <sup>1</sup> II.

Et meme ceste Alice porta un autre bref dappel et counta vers chescun several counte de la mort II. soun baroun vers meme ceux auant nome et assigna coment chescun occist soun baroun par diuerse plaie.

W. Dassington le primer defendant etc. et dist qil ne fust respondre saunz ses ordinaires ; et sure ceo vint un Moine de Westminster attorne labbe de meme le leu par sa lettre patente et demanda W. de A. com membre de seinte eglise par tiel garranti ; Sciatis quod dedimus potestatem tali monacho nostro petendi exigendi W. de A. tanquam clericum nobis liberandum arrestatum in curia domini Regis apud Westmonasterium, Justiciariis etc. In cujus rei testimonium etc.

BERFORD. Ad W. de A., vncore nous [ne] veoms autre chose en vous qen un lay home, pur ceo qe la garranti par quoi vous estes demande come clerk est nul, qar a la garranti deust auer este dedimus tali potestatem petendi exigendi recipiendi talem appellatum per talem de morte talis, par unt nous tenoms ceste garranti meinz sulficiaunt, pur quoi soit remene a la prisoun ; et pus trestouz les autres sei mystre sauue un Alein.

<sup>1</sup> Text of (II) from KK.



as layman, he was remitted to his penance on the bare ground, drinking not upon the day whereon he ate, etc.

And in the matter of Simon, Alice did not prosecute her appeal, and so order was made that she be taken and committed to prison ; and so Simon went quit of her appeal, but he was arraigned on the prosecution of the King, and he put himself on the country. Now in an appeal of this sort the King also has the right to prosecute, though such prosecution was not at present proceeded with. The King has no such right, however, in a case of rape, and this diversity arises by operation of statute ; but in such a case as this, that is an appeal for the death of a man, the King has suit if the plaintiff's suit fail. And where the appellee puts himself on a jury at the suit of the King and reserves his clergy and is acquitted, though he did not put himself on a jury at the common law appeal, inquiry will be made as to abettors, and a writ will issue against any such ; and if any of the blood of him that was slain be named an abettor<sup>1</sup> he may say that what he did was to avenge his blood, and not through malice ; and of this will inquiry be made etc. ; as appears in the case of the appeal against the Abbot of Shippington.

## II.

And this same Alice brought yet another writ of appeal, and counted for the death of her husband H. against each of those who were afore named severally, laying how each had severally slain him by divers several wounds.

W. Asshenden was first arraigned, and said that he could not answer without his Ordinaries ; and thereupon came a monk of Westminster as attorney of the Abbot of that same place appointed by letter patent ; and he claimed W. A. as Holy Church's man by authority here set out :— ' You are to know that we have granted to such and such an one of our monks authority to claim and exact the deliverance to us of W. A. as a clerk that is now detained in the Court of our lord the King at Westminster. To the Justices etc. In witness whereof etc.'

BEREFORD C.J. to W. A. We cannot yet recognise you as aught but a layman, for this warrant by which you are claimed as a clerk is bad. The correct form would have been :— ' We have given to such an one authority to claim, exact, and receive such an one that is appealed of the death of such an one.' Wherefore we hold this warrant to be insufficient ; and so take him back to prison. And afterwards all the others put themselves on the country, saving only Alan.

<sup>1</sup> I.e. of the false appeal. Cp. p. 126.



BERFORD, Quoi repondez a ceste appel ?

Alein : sauue lestat de seinte eglise ieo mei met.

BERFORD. Vostre dit est contrare a lui meme, et nest pas receuable com auant ay dit ; pur quoi nous volons sauuer si vous voillet autre chose dire.

Alein dit qe noun.

BERFORD lui agarda a la penaunce pur ceo qil refusa destre a la comune ley, et comanda lo gaoler qe leir fust net et saunz litere, et tel iour qil mangeast qil mangeast payn dorge et ne nyie a moitie asset saunz boire, et tel jour qil bust qil ne mangeast.

Pus fust taunt dur demene qil vint lendemein et sei myst de gree en pais qil ne fust de rien culpable, saunz faire mention de sa clergie etc.

Appellum  
de morte  
hominis.

<sup>1</sup> Un homme siwy un appel vers un autre en Baunk le roi de la mort son piere & counta vers labbe &c qi defendi tute manere de felonies homicides assautz purpensez & qaunt qest encountre la pees nostro seigneur le roi & sa coronne & sa dignete & vous dioms qe cesti qi ore se pleint ad un frere muliere de lentier saunk eyne de lui en vye a qi cest accioun est plus tost done Jugement si vivaunt lui deye cest appel user & de ceo prioms allowaunce. *Item* de ceste felonie feumes autrefoiz arrenne devant &c assignez a la gaole de N. deliverer ou nous nous meismes &c de bien & de mal par quel pays nous feumes acquite de mesme la felonie & de i ceo prioms allowaunce sauue a nous noz excepciouns. *Item* nous vous dioms de rien coupable.

ORMESBI qaunt a vostre primer response &c vous dioms qe le plus forein del saunk peut seure appel en defaute de celui qest plus prochein & qaunt a vostre autre excepcioun ditez nous a qi seute vous fustes arenne de ceste felonie.

*Hert.* a la seute R. Tiltone. E nous jugement de peus qe il ne peut dire qil fust arrenne a nostre seute de meme la felonie ne a la seute nul autre a qi cest appel naturellement apend einz a la seute le roi qi ne tout a nuly sa seute. Jugement &c. & peus par ORMESBI fust oste de la seconde excepcioun aussi bien com de la primer.

*Hert.* (*sic*) Uncore prioms allowance de cest appel qar vous trouverez

<sup>1</sup> Reported by γ only.



BEREFORD C.J. What answer do you make to this appeal?

Alan. Saving to myself my clergy, I put me on the country.

BEREFORD C.J. What you say is self-contradictory, and we cannot admit it, as I have said before. So tell us if you will say aught else.

Alan said that he would not.

BEREFORD C.J. remitted him to his penance, seeing that he refused to submit himself to the common law; and charged the gaoler that the cell should be bare and without litter, and that on the day whereon Alan had bit to eat he should eat of barley-bread, and of that but half of what would suffice a man, and should have naught to drink; and on the day when he had sup to drink on that day he should eat naught.

And that fare found he so hard that upon the next day he came and of his own free will put himself on the country as not guilty, saying naught of his clergy etc.<sup>1</sup>

A man brought an appeal in King's Bench against another for the death of his father, and counted against the Abbot etc., who defended all manner of felonies, homicides, and assaults, and malice aforethought, and whatever is against the peace of our lord the King and his crown and his dignity; and we tell you that he who now brings this appeal has a legitimate brother of the whole blood that is alive and is older than himself; and by such elder brother should this appeal have been brought. Judgment if in the lifetime of such elder brother it is competent for the younger brother to bring this appeal; and so we pray that it be abated. Further, of this same felony we were aforetime arraigned before etc. assigned to deliver the gaol of N., when we put ourselves etc. for good and evil; and of this same felony we were acquitted by the jury, and for this reason, too, we pray that this appeal be abated, and our exceptions granted. Finally we say that of naught are we guilty.

Appeal of  
homicide.

ORMESBY J. As touching your first objection etc., we tell you that the remoter of the blood can bring an appeal in default of the nearer; and as touching your other objection, pray tell us at whose suit you were arraigned for this same felony.

*Hartlepool.* At the suit of R. Tilton. And we, on the part of the appellor, ask for judgment, as it cannot be said that this man was previously arraigned of this same felony at our suit, nor at the suit of any other who was naturally entitled to bring it, but at the suit of the King, whose prosecution deprives no private person of his right to prosecute. Judgment etc. And afterwards ORMESBY J. ruled against both the first exception and the second.

*Hartlepool.* We take further objection to this appeal on yet another

<sup>1</sup> Note the practice, really giving the prisoner time to think better of it.





par roule de coroner qe cest appel fust atache ij aunz apres ceo qe la felonie dust aver este fet ou il deust aver comence & atache sa seute frechement denz lan & le jour.

ORMESBY vous avez cest excepcioun trop tard use qar vous la dusez aver dit avant ceo qe vous deistes qe de rien coupable & sic ad patriam ad inquirendum &c.

Appellam  
femme de  
morte viri.

<sup>1</sup> Eleyne qe fust la femme <sup>2</sup> N. de W.<sup>3</sup> siwy un appel vers Jon de T. de la mort N. son baron. Jon feust clerk & ne mie pur ceo il se mist &c<sup>4</sup> de bien & de mal &c.<sup>5</sup> saunz rien parler de sa clergie.

*Hert.* vous avez ici les ordinaires qi demandent Jon com clerk & membre &c qar coment qe il eit weyve sa clergie ele ne ly weyvera point.

BRABASOUN apres lenqueste passe vous<sup>6</sup> lui vocheriez asez par temps. Lenqueste vynt & dit qe de rien coupable.

*Hert.* nous prioms noz damages par <sup>7</sup> benefice de statut qe vous enchargez des abettours.

BRABASOUN agarda la femme a la prisone & dit al enqueste empailez des damages qe Jon ad ew par reson de cest appel & qaunt al emprisonement.

Lenqueste. Sire as damages de x li.

BRABASOUN est Eleyne asez suffisante de paier les damages.

Lenqueste. Sire ele nad rien.

BRABASOUN ditez nous sil y avoit nul abbettour.

Lenqueste. M. piere Simond qi mort est & Thomas de Wartre frere N. & Jon frere E.<sup>8</sup> sont abettours.

E pur ceo qe T. de Wartre fust present en court vynt Jon qi fust appelle & qi passa qites de cel appel & counta vers lui de cel abbet.

*Assby* defend tort & force and qaunt qe est encontre la pees nostre seigneur le roi & checune manere dabet & faus procurement & les damages & nentendoms mie qe T. deive a nul abet respondre qar T. est frere mesme cely qi fust oeyz & de son saunk & peut aver la seute de la mort son frere par reson del saunk. Dount de peus qe naturel ley veut qe cely a qi accioun de seute est reserve ne peut estre dit abbettour. Jugement &c.<sup>9</sup>

*Herle* jugement de la coniecaunce vous avez conu labet einz ces heures

<sup>1</sup> Reported by  $\gamma$  and  $\epsilon\epsilon$ ; by the latter under the heading: *Placita apud Cycestr coram W. de Berford, Rogero de Hezham et Petro Malorre, Justiciariis ad diversas felonias et transgressionis in Comitatu Sussex contra pacem Regis factas audiendas et terminandas assignatis die Venris proxime post festum Purificacionis beate Marie Anno regni Regis Edwardi xij<sup>o</sup>*. Text from  $\gamma$  collated with  $\epsilon\epsilon$ .  
<sup>2-3</sup> Nichole de Wartre.  $\epsilon\epsilon$ .      <sup>4</sup> In pays.  $\epsilon\epsilon$ .      <sup>5</sup> qe de rien coupable.  $\epsilon\epsilon$ .  
<sup>6</sup> from  $\epsilon\epsilon$ ;  $\gamma$  has vouch.      <sup>7</sup> c.  $\epsilon\epsilon$ .      <sup>8</sup> Thomas.  $\epsilon\epsilon$ .      <sup>9</sup> nature de.  $\epsilon\epsilon$ .      <sup>10</sup> si

T. qest frere N. a qy accioun de seute est reserve etc.,  $\epsilon\epsilon$ .



ground. The coroner's roll shows that security for this appeal was not given till two years after the time when the felony is alleged to have been committed ; whereas the appeal should have been commenced and security given within a year and a day following.

ORMESBY J. You are too late in raising this objection. You ought to have made it before you pleaded not guilty. And so an inquest by a jury is ordered etc.

Ellen that was wife of N. of W. brought an appeal against John of T. for the death of her husband N. Now John was a clerk, but, notwithstanding that, he put himself etc. for good and evil etc., saying naught of his clergy.

A wife's  
appeal for the  
death of her  
husband.

*Hartlepool.* The Ordinaries are here and claim John as clerk and Holy Church's man ; for though John himself has waived his clergy, they will not waive it.

BRABAZON J. You will be in plenty of time to claim him if you wait till the jury have found a verdict.

The jury came and said that John was not guilty.

*Hartlepool.* We claim the damages to which we are entitled under the statute ; and we ask you to have the abettors charged.

BRABAZON J. committed the woman to prison ; and bade the jury take counsel with each other as to what damages John was entitled to by reason of this appeal and for the imprisonment he had suffered.

*The Jury.* Sir, we assess the damages at ten pounds.

BRABAZON J. Is Ellen able to pay the damages ?

*The Jury.* Sir, she has nothing.

BRABAZON J. Tell us if there were any abettors.

*The Jury.* M., the father of Simon, that is dead, and Thomas of Warter, the brother of N., and John, the brother of E., are abettors.

And as T. of Warter was present in court, that same John that had been appealed and had been acquitted of that same appeal, came and counted against him for this same abetting.

*Ashby* defends wrong and force and all that is against the peace of our lord the King and all manner of abetment and false procurement and damages. And we do not think that T. can be called upon to answer any charge of abetment, seeing that T. is brother of him that was killed and of his very blood, and could himself have suit for the death of his brother by reason of such blood-tie. Natural law forbids that one who is himself entitled to bring an appeal should be indicted as an abettor. Judgment etc.

*Herle.* We ask for judgment upon confession made by you but



en court qe porte recorde & avowastes le abbet & trove &c<sup>1</sup> par cest enqueste qe la femme a siwy son appel fausement & malicieusement vers nous par vostre abbet. Jugement si vous devez a autre response resortir & Thomas avoit dit avaunt en audience<sup>2</sup> qil voleit avower labbet.

*Ass.* qele coniseaunce qe nous feismes avant ses heures ceo nous ne doit nure qar peus countastes vous vers nous & avaunt vostre counte nous ne feumes mie partie a cel abot.

*Hert.* nous ne vous grauntoms point accioun de seuro de la mort N. vivaunte Eleyne a qi sute nous sumes ore passe quites.

BRABASOUN mes qe un homme eit tue vostre frere & soit coupable qidez vous qe vous poez abbetter sa femme de appeller checun homme de pays de sa mort & si appelle un homme par vostre abbet qi nest mie copable<sup>3</sup> & passe quite par enqueste<sup>3</sup> ne respoundrez mie de cel abet aussi bien com un estraunge.

*Ass.* nous nel abettames unqes par malice si noun par reson de tendresse del saunk com bien nous lust a fere & ne mie en malice pur aver de seon ne en maveise manere prest &c.

Et alii e contra. Ideo &c.

<sup>4</sup> Contra vidimus<sup>1</sup> devant sire W. de Berford semel & iterum<sup>5</sup> devaunt Sire W. Ormesbi ou il dit qe le frere celui qi feust ocys ne ceus qi furent del saunk ne poent estre abettours qar bien list a ceus<sup>2</sup> qi sount de saunk de ateyndre la mort de lour parrentz.

Indicta-  
mentum.

<sup>6</sup> Un mort corps fust jette a terre en Essex par Ewe. Le coroner de Essex prist enqueste &c qi fust coupable de la mort. Trove fust qe un Stevene par qey il fust atache & mene devaunt Sire Jon Botource<sup>7</sup> & Sire W. Haward devaunt ceux il se mist &c de bien & de mal & fust aquite. Peus fust endite de mesmo celui de qi il fust acquite en Middlesex. Il vynt devant Sire R. Brabasoun & Sire Pieres Malore & fust arene &c.<sup>8</sup>

Stevens dit qil fust acquite de la mort mesme celui en Essex devant &c & vocha recorde des Justices & le record vynt & voleit qil fust aquite.

MAL vous estes aquite en Essex & nous trovoms qe vous ocistes

<sup>1</sup> est. *cc.*    <sup>2</sup> *cc* adds troop seulement.    <sup>3-5</sup> e trove seyt par enqueste qe vous abettastes nentendez mie qe vous.    <sup>4</sup> Le contraire de ceo veynes nous. *cc.*

<sup>5-6</sup> et autrefois. *cc.*    <sup>6</sup> Reported by *γ* and *cc.* Text from *γ* collated with *cc.*

*cc* begins In pleas at Cliechester. See note p. 126 above.

<sup>7</sup> Botetourt, *cc.*

<sup>8</sup> qil le dust aver occis et gette en lewe. *cc.*



just now in this court which is a court of record. You confessed abetment and named the abettors ; and it was found by the jury that the woman prosecuted her appeal against us falsely and maliciously by your abetment. We ask for judgment whether you be entitled to make any other or further defence ; and Thomas has said within the hearing of the court that he was willing to confess abetment.

*Ashby.* Whatever confession we may have made before now ought not to be allowed to prejudice us, for it was since any such confession that you brought suit against us ; and before you so brought suit we were no parties to your suit of abetment.

*Hartlepool.* We say that you have no right to bring suit for the death of N., Ellen being alive ; and we have been acquitted of Ellen's suit.

BRABAZON J. Suppose a man kill your brother and be guilty of his death, do you think you can abet your brother's wife in appealing any man in the country of his death ; and if she, by your abetment appeal some innocent person, that is declared, after inquest made, to be not guilty, shall you not be just as answerable for that abetment of yours as though you were a complete stranger in blood ?

*Ashby.* We say that we did not abet her from malice, but only by reason of natural love and affection, as we say we were well entitled to do ; and not from any malice or to gain advantage therefrom nor from any improper motive whatever. Ready, etc.

And others argued to the contrary. Therefore etc.

On the other hand we have heard it laid down by SIR W. BEREFORD and again by SIR W. ORMESBY that neither the brother of one that was slain nor any of his blood could be abettors, there being a natural duty cast upon such as were of the same blood to prosecute him who slew their relation.

A dead body was cast ashore in Essex by the tide. The coroner of Essex held an inquest as to who was guilty of the death. The jury found that one Stephen was guilty. Stephen was consequently attached, and was brought before Sir John Botetourte and Sir W. Hayward, before whom he put himself etc. for good and for evil etc., and was thereupon acquitted. Afterwards he was indicted in Middlesex for the same death for which he had been acquitted in Essex. He came before Sir R. Brabazon and Sir Peter Malory, and was arraigned etc. Indictment.

Stephen said that he was acquitted of this same death in Essex before etc., and vouched the record of the Justices. The record was brought, and it testified that he had been so acquitted.

MALORY J. You were acquitted in Essex, and we find that you slew





un tiel en Middlesex de qy ceus de Essex ne poent aver coniseaunce ne le power de justices ne se estent mie &c.

STEVEN. Sire si jeo use este soily la il usent ew power de moi aver mis a la mort pur qey ne feust lour power de moy acquiter. *Item* si jeo soit aquite de qey fiert cele aquitaunce de peus qe jeo vouche recorde qe nest mie alowe issint peus jeo estre endite en checune counte & en chescune counte il covent qe jeo me mette aquitaunce en un counte ne vaut en un autre.

BRABASOUN si vous feusez acquite en countee la ou il fust ocys tiel aquitaunce vous vaudreit pur touz jours mes vous feustes acquite en le countee la ou il feust trove le quel counte pout mesconustre qi le ocist en un autre counte & nous trovoms qil fust ocys en ceste countee par qey il covent qe vous metez ici. *Item* vous fustes areenne la a vostre procurement par quey &c. & sil ne se voleit aver mis il ust este agarde as a penaunce & pur defaute des jurours il fust remaunde a la prisone. &c.

<sup>1</sup> Un A.<sup>2</sup> embla <sup>3</sup> le chival un Johan<sup>3</sup> en le hundred de Feversham.<sup>4</sup> Johan suyst A.<sup>5</sup> tange <sup>6</sup> il vint en<sup>6</sup> le hundred de Donhanforde.<sup>7</sup> Et illoques fust pris ove le chival. Et<sup>8</sup> le baillif del hundred lui retynt par un mois. E pur ceo qil y avoit franchise de infangenetbef &c. il fesoit somondre un<sup>9</sup> hundred, ou<sup>10</sup> Johan vint et suyst vers A.<sup>11</sup> de son cheval felonement emble. Par quoi le baillif lui aresma <sup>12</sup> a sa suite<sup>12</sup> ou il se mist en enqueste. Le quel lui soilla.<sup>13</sup> Par quoi il avoit jugement qil fust pendu. Et fust ceste chose presente par une dozeine. Par quoi fust comande al vicount qil fait venir toutz les sutiers del hundred <sup>14</sup> de Donhamford<sup>15</sup> de avower cel<sup>16</sup> jugement. Puis vindrent les sutours et ne purreient ceo dedire, mes il diseient qe ceux<sup>17</sup> qe furent sutours adonqe furent mortz, et prirent de ceo lour avisementz a justices.

MUTFORD. Ceux qe furent sutours adonques sount homicides qe tuerent le homme encontre lei.

SPIG. Veez coment ceo <sup>18</sup> qe fu fet<sup>19</sup> fut fet<sup>20</sup> encontre lez, car posoms le revers qe vous luy ussez acquite de ceo fet, si nous lui ussoms trove<sup>21</sup>

<sup>1</sup> Reported by aa, J, ð, ζ. Text from J corrected by and collated with the others. <sup>2</sup> B., aa; M., ð. <sup>3-4</sup> un cheval, ζ. <sup>5</sup> H., ð. <sup>6-8</sup> et fut suz, ζ. <sup>9</sup> ð omits. <sup>10-12</sup> a, ζ. <sup>11</sup> Deinzford, ð; C., ζ. <sup>12</sup> ou, ð. <sup>13</sup> Je, ð. <sup>14</sup> ζ adds un. <sup>15</sup> W., ð; li, ζ. <sup>16-17</sup> ζ omits. <sup>18</sup> sulia, ζ. <sup>19-20</sup> ζ omits. <sup>21</sup> Denhamford, ð. <sup>22</sup> lour, ð. <sup>23</sup> touz, ζ. <sup>24-25</sup> ζ omits. <sup>26-27</sup> ð omits. <sup>28</sup> ζ omits.



such an one in Middlesex. An Essex jury was not competent to make recognition of the facts, neither had the Justices sitting in Essex jurisdiction to deal with them, etc.

Stephen. Sir, if it had so happened that in Essex I had been found guilty, in Essex I should certainly have been hanged; and if they had power to hang me, why shouldn't they have power to acquit me? And, besides, supposing I am acquitted again here, what good will it be to me to vouch a record which turns out to be of no use if I am indicted in another county? A man may have to stand his trial in every county, for it seems that an acquittal in one county is of no good in another.

BRABAZON J. If you had been acquitted in the county where the crime was committed such acquittal would have availed you everywhere all the days of your life. But you were acquitted in the county where he was found and that county might [and did] err in taking cognisance of the facts, as they happened in another county. We find that the man was slain within this county; and consequently you must put yourself on a jury of this county. Also you were arraigned in Essex by your own procurement, consequently etc. And if Stephen had refused to put himself on the jury he would have been sent to his penance; but owing to lack of jurors he was remanded to prison etc.

One A. stole the horse of a certain John within the hundred of Faversham. John pursued A. till he came into the hundred of Downhamford. And there was A. captured with the said horse in his possession. And the bailiff of the hundred detained him for the space of one month. And then, because he had franchise of infangthief etc. he had the hundred court summoned, and to that court came John, and made suit against A. for that A. had feloniously stolen his horse. Thereupon the bailiff arraigned A. at the suit of John, and A. put himself on the inquest. And the inquest said that he was guilty. Consequently was judgment given against him that he be hanged. These aforesaid facts were presented by a dozen. So charge was given to the Sheriff that he have here all the suitors of the hundred of Downhamford to justify that judgment of theirs. The suitors came, and they could not deny all this, but they said that those who were the suitors of the hundred court at the time when these things happened were dead now, and they craved this court's consideration.

MUTFORD J. They who were suitors at that time were homicides, for they killed a man contrary to the law.

SPIGURNEL J. You must see clearly that what was done was against the law. For let us suppose the opposite case, and that you had acquitted this man, and he had been brought up here before us,



cy devant nous, nous lui ussoms trove mis a reson de mesme cel fet, ou il covendreit qil se ust mis de reschief<sup>1</sup> et pur ceo le primer mettre fust nule et encontre lei et sanz garrant.

ORM. Pur ceo qe vous avez conu qil fust areore<sup>2</sup> en vostre hundred del fet fait <sup>3</sup>en autre<sup>3</sup> hundred<sup>4</sup> qest encontre lei par qey nous agardoms tut le hundred a jugement.

STAUNT. Chequn de vous trove mainpernours de fere fyn al Roi. Et fust chequn autri mainpernour.

SPIG. Ou est celui qe adonqe fust baillif.

<sup>5</sup> Fessont de suters : Il est mort.

SPIG. Bel lui est venu.

Et dit *Malm.* qe si le baillif ust este en court et la femme celui qe fust pendu ust suy vers lui par voie de apeal ou autre a qi la suite apendereit il serreit pendu.

<sup>6</sup> Un dozeyn presenta qun B.<sup>7</sup> fesoyt une felonie en lur hundred<sup>8</sup> et puis<sup>9</sup> se mist en seinte eglise. Fust demande la dozeine del hundred ou il se mist en seinte eglise. Il vindrent a la barre.

ORM. Presente est icy devant nous qe un B.<sup>10</sup> fesoit une felonie en le hundred de P.<sup>11</sup> et fuist tanqe <sup>12</sup>en vostre<sup>12</sup> hundred et illoqes semist en seinte eglise.

<sup>13</sup> Fust demande de la dozeyne<sup>13</sup> : Ditz ou il devynt.

Sires, nous vous dioms qil conust la felonie et fesoit<sup>14</sup> abiuracion devant tiel coroner.

Les roules <sup>15</sup>du coroner furent serchez et rien de ceo fust trove en roule.<sup>15</sup>

ORM. Rien de cel abjuracion est trove en roule de coroner.

*La dozeine.* Sires, coment qe la defaute fust trove en le coroner qil <sup>16</sup>neutra point<sup>16</sup> en roule nous ne devons acomper sa<sup>17</sup> defaute qe nous voloms averer qe le fet fust issint com nous avoms dit.

SPIG. Abjuracion est une chose qe chiet en record, qe posoms qe un homme fust arene<sup>18</sup> devant nous qil avoit forsjure le roialme et revenu arere<sup>19</sup> sanz congie le Roi e <sup>20</sup>il dit<sup>20</sup> qil forsjura point, homme <sup>21</sup>ne enquerreit mie<sup>21</sup> par averement du pais le quel il forsjura ou ne mie,

<sup>1</sup> *δ adds* en pays. <sup>2</sup> arestu. ζ. The MS. (ζ) ends abruptly here, this being the last case reported. <sup>3-5</sup> hors de vostre. δ. <sup>4</sup> *δ adds* et issi vous prestes jurisdiction hors de vostre franchise et atteint par enqueste de mesme le hundred de fet fait en autre hundred. <sup>6</sup> *δ adds* Sire. <sup>7</sup> Reported by aa, β, δ. Text from β corrected by and collated with aa and δ. <sup>8</sup> homme lour. δ.

<sup>9</sup> *δ omits*. <sup>10</sup> *δ adds* suinst fuist tanqe a un autre hundred et illoques. <sup>11</sup> W., aa, δ. <sup>12</sup> N., δ. <sup>13-15</sup> a un autre. δ. <sup>14-15</sup> *δ omits*. <sup>16</sup> conust. δ.

<sup>17</sup> de ceo Coroner fut enquis et ne furent pas trouvez. δ. <sup>18-19</sup> *δ omits*. <sup>20-21</sup> *δ omits*. <sup>21-22</sup> non querreit pas. δ.



charged with these same facts. He would have had to put himself afresh on a jury, and, therefore, his former putting was null and not in accordance with the law, and without warrant.

ORMESBY J. Seeing that you have admitted that this man was arraigned in your hundred for an offence committed within another hundred, which arraignment was contrary to the law, we put the whole hundred under judgment.

STAUNTON J. Each man of you will find security to make fine with the King. And each suitor had to have different mainpernours.

SPIGURNEL J. Where is he that then was bailiff?

Some of the suitors said: He is dead.

SPIGURNEL J. A happy thing for him that he is!

And *Malberthorpe* said that if that bailiff had been in court and if the wife of him that was hanged, or other to whom the right of appeal belonged, had brought an appeal against him, he would have been hanged.

A certain dozen presented that one B. had committed a felony within their hundred, and had then taken sanctuary in Holy Church. The dozen of the hundred wherein B. had taken sanctuary were called; and they came to the bar.

ORMESBY J. It has been presented to us here that one B. committed a felony within the hundred of P., and was taken in your hundred, and then escaped and took sanctuary.

And the dozen were asked: Tell us what became of him.

Sirs, we say that he confessed the felony, and made abjuration before such and such a coroner.

The rolls of the coroner were searched, and nothing of all this was to be found therein.

ORMESBY J. There is nothing about this abjuration to be found in the coroner's roll.

*The dozen.* Sirs, how it happened that the coroner failed to make entry in his roll we cannot say, but we think that we ought not to be accountable for his default, for we are ready to aver that the facts were as we have said.

SPIGURNEL J. Abjuration is a matter that must be recorded; for suppose that a man were arraigned before us for that he had abjured the realm and had afterwards returned thereto without licence from the King, and that such an one made answer that he had never abjured the realm, the Court would not seek to establish by a declaration of the hundred whether such abjuration had been made or not, but would





mis acovendreit enquerer par roule de coroner seulement. Et pur ceo qe nous ne trovoms pas par roule de coroner ceste abjuracion qe vous aleggez qe en autre manere ne put estre atteint nous agardoms ceo la eschap.

Mais la verite fust tiele qe la coroner fust mort devant q'il dust aver fet abjuracion com la dozeyne alegga.

<sup>5</sup>Presente fust par la dozeyne de Caunterburie q'il aveient usee en la citee qe si un homme fust pris ofve mainovere de jugier lui<sup>6</sup> en lur court. Mais il ne saveient par quel garrant. La comunalte de la citee de Caunterburie fust demande. Et vinderent bien xij. a la barre, qe respondirent pur la comonalte. Demande fust a eux par quel garrant il clamerent aver conissanz de ceux<sup>7</sup> qe furent pris ofve mainovere en la citee. Et il responderent q'il aveient franchise de infangenethef. Et puis demande fust par quel garrant. Il diseient qe par fet du Roi. Comande<sup>8</sup> fust q'il meissent avant le fet. Et eux issi feseient. Le fet veu des justices nule mencion fesoit de infangenethef &c.

ORM. Homme vous ad demande par quel garrant vous clamez la franchise avant dite &c., et vous pur garrant mettez avant un fet qe point ne fet mencion de la franchise. Par quoi<sup>9</sup> attendez donqe vos jugemens tanqe<sup>9</sup> a demeyn. Et fust la chose respite pur ceo qe Sire HERVY ne fust point adonqe en banc.

A leindemeyn vindrent <sup>10</sup>Edmond de<sup>10</sup> Pass. et <sup>11</sup>Johan de<sup>11</sup> Wescote a la barre pur la comunalte et diseient: Sires,<sup>12</sup> la comunalte de Caunterburie fust demande heer<sup>13</sup> qele fut icy uy a respondre<sup>14</sup> par quel garrant il claimrent aver la franchise de infangenethef. Vous les avez cy prest a respondre.

Mutt. Il unt respondu et sont a lur jugement.

Pass. Sires, vollez avoir regard qe tiel<sup>15</sup> response<sup>16</sup> qe fust avant<sup>17</sup> done ne fust pas done<sup>18</sup> par la comunalte qe le meir et la comunalte ne y<sup>19</sup> fust pas.

Mutt. Certains gentz vindrent heer qe respondirent pur la comunalte et mustront avaunt une chartre et a ceo avoms nous grant<sup>20</sup> regard qe<sup>20</sup> sanz ceo q'il ne ussont este de la comunalte il ne ussont point eeu la chartre.

<sup>1-1</sup> homme couent enquerir. <sup>2-3</sup> *δ omits.* <sup>4</sup> avant, *δ.* *to end*  
*δ reads* qe cele abjuracion fut fait. la xij allegga. <sup>5</sup> Reported by *aa, β, δ.* Text  
 from *β* corrected by and collated with the others. <sup>6</sup> *δ omits.* <sup>7</sup> eux,  
*δ.* <sup>8</sup> Demande, *δ.* <sup>9-9</sup> *δ omits.* <sup>10-10</sup> *aa, β omit.* <sup>11-11</sup> *aa, δ omit.*  
<sup>12</sup> *δ adds* pour. <sup>13</sup> from *aa; β has* er. <sup>14-14</sup> *aa omits.* <sup>15</sup> tiel, *aa.* <sup>16</sup> *δ adds*  
 pour la comonalte. <sup>17</sup> *aa omits.* <sup>18</sup> *δ omits.* <sup>19</sup> *δ omits.* <sup>20-20</sup> reward qar, *δ.*



seek for proof of it in the coroner's roll only. And seeing that we find no mention made in the coroner's roll of this abjuration which you allege was made, and as there is no other means of proving it, we give judgment of escape.

But the real truth was that the coroner died before the date of the man's abjuration as alleged by the dozen.

A presentment was made by the dozen of Canterbury that it had been a custom of the city to judge in their court such as were taken with stolen goods in their possession. But this jury could not say what warrant there was for this custom. So the community of the city of Canterbury was summoned to appear. And there came twelve or more to the bar to make answer on behalf of the community. And these were asked by what authority they claimed the right to try such as were taken within their city, having stolen goods in their possession. And they said that they had franchise of infangthief. And then it was asked of them by what authority they had this franchise. They answered that it was by charter of the King. They were bidden to produce such charter. And they did so. But when that same charter had been seen of the Justices there appeared in it no mention of infangthief etc.

ORMESBY J. You were asked by what authority you claimed the aforementioned franchise etc.; and for your warrant for such claim you produce a charter wherein there is no mention of such franchise; and for this you shall await your judgment till to-morrow. And judgment was thus respited by reason that SIR HERVEY STAUNTON was not then on the bench.

On the morrow came to the bar *Edmond of Passeley* and *John of Westcote* on behalf of the community, and these said: Sirs, yesterday was the community of Canterbury summoned here that they might be heard in reply to the question put to them as to the authority by which they claim to have the franchise of infangthief. Here they be, ready to make answer.

MUTFORD J. But answer they have already made; and they are now awaiting their judgment.

*Passeley*. Sirs, I pray you consider that such answer as was made afore was not the answer of the community, seeing that the Mayor and community were not here.

MUTFORD J. Certain folk came yesterday that made answer on behalf of the community, and they produced a charter. The production of that charter has had great weight with us; for it seems to us that unless they were of the community they would not have had possession of that charter.



STAUNT. *a Pass.* Quei voudrez vous dire.

*Pass.* la ou vous demandez par quel garrant la comunalte cleyme franchise &c., Sires, il vous dient qe eus et lur auncestres burgeses de la ville de Canterburie unt <sup>1</sup> leu et <sup>1</sup> usee la franchise avant dit en tut temps.

HERVY. Nos compaignons recordont qe vous clamasteuz<sup>2</sup> heer la franchise par fait <sup>3</sup> des Rois<sup>3</sup> par quoi <sup>4</sup> vous ne poez<sup>4</sup> mie resortir a autre response. Et tut pussez vous, ne assurez<sup>5</sup> vous<sup>6</sup> trop de vostre response, qe<sup>7</sup> nest pas <sup>8</sup> tut un a vous qe estes comunalte de clamer franchise<sup>8</sup> par prescripcion <sup>9</sup> de temps com serreit a<sup>9</sup> Sire W. de Orm. ou a autre qe la clame par auncestres *quia comuna*<sup>10</sup> *non est*<sup>11</sup> *capax libertatis* qe<sup>12</sup> citee ne put estre sil ne soit al commencement par grant de Roi.

Hert. Ad idem <sup>13</sup> autre foythe<sup>13</sup> si le Roi portast vers vous son *quo waranto* et vous demandast par quel garrant vous clamez tiel franchise, et vous deissez par fet du Roi et meissez avant fet, si jeo vous purrai moustre qe le fet ne vous donne cele<sup>14</sup> franchise vous ne resorterez pas a clamer la par autre title<sup>15</sup> Nient plus de ceste part.

*Pass.* Le Roi Henri le veil nous granta par sa chartre qe nous pussoms tener et enjoier totes les chosez qe la comunalte avoit usee en nul temps, issint qe avant le temps de conqueste avoit la comunalte usee ceste franchise : et puis par deux des roi confermes.

SPIG. Donqe avez vous al meins le comencement de cele franchise par une possession et noun pas par fet.

*Pass.* Sires, oil<sup>16</sup> Nest pas de ceste chose ou il y ad conisaunce de sanc ausi com est de amandement de pain et de servoyse qe<sup>17</sup> lautre<sup>18</sup> est si annex a la corone qil ne put mie estre severe.

Hert. Sires, nous vous prioms qe vous voillez avoir avisement de ceo qe la franchise ne fust<sup>19</sup> pas chalange en ceste eyre, &c.

Judicium  
nbi aliquis  
occidit  
alium &c se  
defendendo.

<sup>20</sup> Juratores presentant quod quidam Johannes de G.<sup>21</sup> sequebatur  
<sup>22</sup> Robertum de G.<sup>23</sup> usque ad quemdam locum qui vocatur Grengltn<sup>24</sup> qui  
quidem locus includitur per mare circumquaque preterquam in introitu  
ejusdem loci in quem<sup>25</sup> predictus R. intravit.<sup>26</sup> Predictus J. semper

<sup>1-1</sup> *δ omits.* <sup>2</sup> clamaste, aa. <sup>3-3</sup> du Roi, δ. <sup>4-4</sup> from δ; nous ne poms, aa; ne poez, β. <sup>5</sup> affiez, δ. <sup>6</sup> aa, *δ abl pas.* <sup>7</sup> qar il, δ. <sup>8-8</sup> atter franchise a la comunalte, δ. <sup>9-9</sup> com put, δ. <sup>10</sup> consuetudo, aa; communitas, δ. <sup>11</sup> *δ omits.* <sup>12</sup> qar, δ. <sup>13-13</sup> aa, *δ omit.* <sup>14</sup> pas tiel, δ. <sup>15</sup> reson, δ. <sup>16</sup> *δ inserts* SPICURNEL. <sup>17</sup> qar, δ. <sup>18</sup> *δ adds* point. <sup>19</sup> put, δ. <sup>20</sup> Reported by aa, β, δ. Text from β corrected by and collated with the others. <sup>21</sup> C., δ. <sup>22-22</sup> R. de S., δ. <sup>23</sup> Grenet, δ. <sup>24</sup> quod, δ. <sup>25</sup> aa adds et percussit.



STAUNTON J. (to *Passeley*). What have you got to say ?

*Passeley*. You askus by what authority the community claims this franchise etc. Sirs, they tell you that they and their ancestors, citizens of the city of Canterbury, have had and enjoyed such franchise from all time.

STAUNTON J. Our companions have recorded that yesterday you claimed this franchise by charter of the Kings ; and you are estopped ; therefore, from now resorting to other answer. But even if you were not so estopped I do not know that the answer which you now want to give would make things any better for you ; for you must remember that you, who are a community, are in a very different position, in the matter of claiming a franchise by prescription, from that in which Sir W. Ormesby, or any other individual person who might claim through his ancestors, would be ; *quia communia non est capax libertatis*, and a city cannot be a city unless it was originally constituted one by grant of the King.

*Hartlepool* (on the same question, at another time). If the King were to sue against you his writ of *quo warranto* and called upon you to show by what warrant you claimed such and such franchise, and you answered that it was by charter from the King, and put forward some charter, and I could show you that that particuilar charter made no grant of such franchise, you could not then withdraw your answer, and claim the franchise on some other ground. No more can you do so in this case.

*Passeley*. King Henry the elder granted to us by his charter that we should have and enjoy all rights whatsoever that the community had had and enjoyed from time immemorial ; and since before the Conquest has this community enjoyed this franchise, and since that time it has been confirmed by two Kings.

SIGURNEL J. At any rate, then, the exercise of this franchise commences from possession, and springs not from any charter.

*Passeley*. Sirs, that is so. But there is a distinction between this matter, which pertains to executing justice upon felons, and the right of amercing for breaches of assize of bread and beer, which latter right is so inherent in the Crown that it cannot be severed from it save by specific grant.

*Hartlepool*. Sirs, we pray you to remember that this franchise was not claimed in this Eyre.

The Jurors present that a certain John of G. followed Robert of G. to a certain place called Grange, which said place is surrounded by the sea on all sides except on the approach thereto, by which approach the aforesaid R. entered the said place. The aforesaid J. continued to

Jalmeent  
where one  
stays  
another in  
self-defence.





persequabatur<sup>1</sup> eum cum quadam hachia que vocatur Gisirme.<sup>2</sup> Et predictus R. fugit usque ad mare et cum predictus J. predictum R. percussisse voluit cum predicta hachia et eum<sup>3</sup> occidisset idem R. videns quod nullo modo evadere potuit<sup>4</sup> extraxit cultellum suum et percussit predictum J. ita quod cecidit et postea inde obiit. Et iuratores quesiti si predictus R. aliquo modo evadere potuisset<sup>5</sup> mortem suam nisi predictum J. occidisset<sup>6</sup> vel fecisset ei plures plagas,<sup>7</sup> dicunt per sacramentum suum quod<sup>8</sup> non. Ideo remittatur gaole ad gratiam domini Regis expectandam &c.

<sup>8</sup> Nota quod coronator Regis<sup>9</sup> infra virgam suam<sup>10</sup> videbit<sup>11</sup> infortunia que accidunt<sup>12</sup> &c. et tempore antiquo<sup>13</sup> non solebat<sup>14</sup> coronator<sup>15</sup> comitatus<sup>16</sup> intromittere de eisdem infortuniis, et quia talia<sup>17</sup> infortunia non fuerunt presentata<sup>18</sup> in itinere<sup>19</sup> provisum est quod coronator<sup>20</sup> domini Regis intromittat<sup>21</sup> post coronatorem comitatus ut habeat recordum rotulorum suorum<sup>22</sup> ut talia<sup>23</sup> infortunia presentari<sup>24</sup> possint<sup>25</sup> in itinere propter comodum<sup>26</sup> Regis.

Judicium  
de bobos  
ubi aliam  
distric-  
tionem  
potuit  
habere.

<sup>25</sup> Presentatum fuit quod quidam ballivus Archiepiscopi Cantuariensis<sup>26</sup> cepit duos boves caruce<sup>27</sup> in gildable et eos fugavit<sup>28</sup> per xiiij leucas a libertate predicti Archiepiscopi et eos<sup>29</sup> illadem detinuit per totam ebdomadam ubi aliam districcionem potuit invenisse. Qui quidem ballivus super hoc convictus. Ideo ad prisonam. Et postea finem<sup>30</sup> fecit pro xl s.<sup>31</sup>

De denariis  
inventis ubi  
dominus  
amisit  
visum.

<sup>31</sup> Nota quod ballivus libertatis non potest recipere probacionem de denariis inventis et calumpniatis infra libertatem suam nisi<sup>32</sup> ita frequenter<sup>33</sup> sectatur<sup>34</sup> ita quod non amisit<sup>35</sup> visum &c.

Judicium de  
illis qui  
arestabant  
monachum.

<sup>36</sup> Quidam<sup>37</sup> ballivi convicti fuerunt quia<sup>38</sup> arestabant quemdam monachum vestitum cum vestibus stragulatis<sup>39</sup> cum mulierecula<sup>40</sup> sua et ab eo ceperunt<sup>41</sup> denarios et xx. aureos<sup>42</sup> cum transierint<sup>43</sup> per ballivam

<sup>1</sup> prosequabatur,  $\delta$ . <sup>2</sup> Giserne,  $\delta$ . <sup>3</sup>  $\delta$  omits. <sup>4</sup>  $\delta$  adds voluit.

<sup>5</sup> possit,  $\delta$ . <sup>6</sup> posset,  $\delta$ . <sup>7</sup> et si fecisset plures plagas,  $\delta$ ; aa omits.

<sup>8</sup> Note from aa,  $\beta$ ,  $\delta$ ,  $\zeta$ ,  $\kappa$ . Text from  $\beta$  corrected by and collated with the others.

<sup>9</sup> comitatus,  $\zeta$ . <sup>10</sup> domini regis,  $\zeta$ . <sup>11-12</sup> from  $\delta$ ,  $\zeta$ ,  $\kappa$ : fortunam que accidit, aa;

fortuna que accidunt,  $\beta$ . <sup>13</sup> anni,  $\delta$ . <sup>14</sup> solebant,  $\delta$ ,  $\kappa$ . <sup>15-16</sup>  $\delta$  omits.

<sup>17</sup>  $\delta$  adds ejusdem. <sup>18</sup> alia,  $\delta$ . <sup>19-20</sup>  $\delta$  omits. <sup>21</sup>  $\delta$ ,  $\zeta$  add de Curia;  $\kappa$

adds infra hospicium. <sup>22</sup> mittat,  $\delta$ ,  $\kappa$ . <sup>23</sup>  $\delta$  omits. <sup>24</sup> illa,  $\delta$ . <sup>25</sup> pre-

sentare,  $\delta$ . <sup>26</sup> possit,  $\delta$ ; possunt,  $\kappa$ . <sup>27</sup> Recordum,  $\delta$ . <sup>28</sup> Reported

by aa,  $\beta$ ,  $\delta$ ,  $\zeta$ . Text from  $\beta$  corrected by and collated with the others. <sup>29</sup> from

$\delta$ ,  $\zeta$ . <sup>30</sup> carucarum,  $\zeta$ . <sup>31</sup> fugit,  $\delta$ . <sup>32</sup> eas,  $\delta$ . <sup>33-34</sup> &c.,  $\zeta$ . <sup>35</sup> Note

from aa,  $\beta$ ,  $\delta$ ,  $\kappa$ . Text from  $\beta$  collated with the others. <sup>36</sup> ubi, aa. <sup>37</sup> recenter,

$\kappa$ . <sup>38</sup> sequatur, aa. <sup>39</sup> admisit, aa. <sup>40</sup> Reported by aa,  $\beta$ ,  $\delta$ ,  $\zeta$ ,  $\kappa$ . Text from

$\beta$  corrected by aa and collated with the others. <sup>41</sup> duo,  $\zeta$ . <sup>42</sup> quod, aa.

<sup>43-44</sup> These two words are not in aa, where a space is left at the end of a line,

<sup>45-46</sup> argenteos et aureos,  $\delta$ . <sup>47</sup> transierit,  $\delta$ ; transierunt,  $\zeta$ .



pursue him with a certain axe, which is called a giserme. And the aforesaid R. fled till he reached the sea, and when the aforesaid J. threatened to strike the aforesaid R. with the said axe and to kill him, the said R., seeing that in no other way could he escape, drew out his knife, and therewith struck and wounded the aforesaid J. so that he fell, and afterwards died thereof. And the jurors were asked if the aforesaid R. by any other way, and if he had not slain the aforesaid J., or inflicted divers wounds upon him, could have escaped with his life, and upon their oath they say that he could not have otherwise escaped. Therefore it is ordered that he be remitted to gaol, there to await the grace of our lord the King etc.

Note that the King's coroner shall have view of all misadventures that happen within his verge etc. Formerly it was not the wont of the coroner of the county to concern himself with misadventures; but because such misadventures were not presented in Eyre it is now provided that the coroner of our lord the King shall make inquest subsequently to inquest holden by the coroner of the county, so that he may have the record of his rolls, to the end that such misadventures may be presented in Eyre to the advantage of the King.

Presentment was made that a certain bailiff of the Archbishop of Canterbury took two draught oxen in execution and drove them to a place that was fourteen leagues distant from the liberty of the said Archbishop, and there detained them for the space of a whole week, although the said bailiff could have made other distress. And the said bailiff was found guilty of having done this. So to gaol with him. Afterwards he made fine for forty shillings.

Judgment as to draught-oxen where other distress might have been had.

Note that the bailiff of a liberty may not admit proof of ownership of moneys found and claimed within his bailiwick save where the owner of such moneys makes immediate suit and can testify that he never lost sight of the said moneys etc.

Of money that was found, of which the owner had lost sight.

Certain bailiffs were convicted for that they had arrested a certain monk that was clad in parti-coloured clothing together with his paramour, and had taken from them certain moneys of silver and twenty gold pieces when they passed through their bailiwicks, though the said

Judgment of bailiffs that arrested a monk.



suam quousque<sup>1</sup> litteram<sup>2</sup> habuit<sup>3</sup> de abbate quod<sup>4</sup> per licenciam recessit a domo sua cum denariis et auro.<sup>5</sup> Ideo ballivi ad iudicium prisone &c.

De coronatore et suo officio.

<sup>6</sup> Par Stauntone. Ceo nest pas fauce<sup>7</sup> de meer un homme put veer ceo qe homme fet de une part del ewe tanqe al autre, ausi com veer de lun terre a lautre, qe le coronour vendra en cest cas e fra son offis ausi com de une aventure qe avensist a un braz de la meer qe la ou homme put vere dun part tanqe a lautre de aventure qe en tiel leu bien put pais aver conisaunce.

#### Note from the Eyre Roll.

The record from E. R. is given here, as well for the information it gives as to early custom, as for the better understanding of STAUNTON J.'s *dictum*.

Willelmus Cote volens transire aquam de Medeway subtus curiam de Burgham cepit quandam batellum ultra quem predictus Willelmus cecidit et submersus fuit. Nullus inde malecreditur. Iudicium infortunium. Pretium batelli ij s., unde vicecomes respondet. Et coronator neque Jurati respondent de Inventore neque de vicinis, quia istud infortunium fiebat in loco ubi aqua de Medewege fluit et refluit sicut maris. Postea testatur quod locus in quo predictus Willelmus Cote submersus fuit distat a mari

<sup>8</sup> Si un homme seit pris<sup>9</sup> ov maynovere<sup>9</sup> en un hundred qad franchise infangenthief pour lareyn fet deins mesme le hundred et seit aresonne<sup>10</sup> devant le seneschal de mesme le lareyn et il ly conusse devant le seneschal, par force cele conisaunce ne put il mye aler a jugement de ly ne se mettre<sup>11</sup> en pais,<sup>11</sup> par Sire Willame de Ormesby: pur ceo qe court de baron en conisaunce ne port<sup>12</sup> mye recorde.<sup>13</sup> Nota: licet aliquis cognoscat latrocinium factum coram ballivo ballivus non potest ire ad iudicium.<sup>14</sup>

De evasione de illo qui

<sup>15</sup> Si un homme<sup>16</sup> eschape hors de prison sil ne seit si freschement

<sup>1</sup> from  $\delta$ ,  $\zeta$ ,  $\kappa$ . <sup>1-3</sup> literas habuerit,  $\kappa$ . <sup>2</sup> from *aa*; licenciam,  $\beta$ . <sup>4</sup>  $\delta$  omits. <sup>5</sup> aureis,  $\zeta$ ; aureis retinuerunt,  $\delta$ ; anulis aureis retinuerunt,  $\kappa$ . <sup>6</sup> Reported by *aa*,  $\beta$ ,  $\delta$ . Text from  $\beta$  corrected by and collated with *aa*. The text of  $\delta$  is:

Par STAUNTON: Ceo nest pas de braz de meer com de mere ou pout veer dune parte de eawe tanqe al autre, ausi com aventure avensit en un bras de la mere, qar la ou homme put veer dune part tanqe al autre de aventure quant tiel eawe avient put pays bien aver conisance et le Coroner vendra et fera son office.

<sup>7</sup> Space enough for this word left in *aa*. <sup>8</sup> Reported by *aa*,  $\beta$ ,  $\delta$ ,  $\kappa$ . Text from  $\gamma$  corrected by and collated with the others. <sup>9-9</sup>  $\kappa$  omits. <sup>10</sup> arestu,  $\delta$ .

<sup>11-11</sup> en la court ou en la hundred,  $\kappa$ . <sup>12</sup> put,  $\delta$ . <sup>13</sup> recorder,  $\delta$ . <sup>13-14</sup>  $\delta$  omits.

<sup>1</sup> Note from *aa*,  $\beta$ ,  $\delta$ ,  $\kappa$ . Text from  $\beta$  corrected by and collated with the others.  $\delta$  adds Nota. <sup>15</sup>  $\delta$  adds seit.



monk carried with him a letter from his Abbot witnessing that the said monk had licence to travel abroad from his house and to be in possession of moneys of gold and silver. So these bailiffs were adjudged to prison.

By STAUNTON J. That is not an arm of the sea across which a man can distinguish what another is doing on the other side of the water, and across which he can see from shore to shore; and in such case the coroner shall come and perform his office as well in the case of a misadventure happening in an arm of the sea as in places where such misadventure can be witnessed from the opposite shore, that in such places the country may have record of the facts.

Of a coroner  
and his office.

*Note from Eyre Roll—continued.*

per magnum spatium et pro eo quod fluit et refluit ibidem sicut de mari Coronatores Comitatus temporibus retroactis non fecerunt inquisitionem de his mortuis nec homines patrie coram Coronatoribus pro his inquisitionibus faciendis venire non curaverunt. Et quia predictus locus tantum distat a mari ut predictum est, etiam quia in predicto loco est riparia de Medewey quamquam fluit ibidem et refluat, et similiter predicta aqua non est tante latitudinis quod aspectus humanus non possit liquide perspicere ultra predictam ripariam et omnia que fuerunt in medio et in utraque parte dicte riparie dilucide circumspicere, preceptum est quod de cetero Coronatores faciant visus et inquisitiones de his mortuis tam juxta mare submersis vel interfectis de quibus factis per vicinos patrie potest inquiriri quam alibi in Comitatu.

If one be taken with stolen property in his possession within a hundred that hath franchise of Infangthief for larceny committed within that same hundred, and, being arraigned before the steward of that same hundred for that same larceny, shall confess it before the steward, the hundred shall not proceed to judgment of him by reason of that same confession of his; nor shall he put himself on the country; and the reason of this is that Court-baron cannot make record of a confession. This was said by SIR WILLIAM ORMESBY J. Note that though a man confess before a bailiff that he is guilty of larceny the bailiff cannot proceed to judgment.

If a man escape from prison and be not so suddenly pursued and

Of such as  
escape from





eravit extra  
prisonem et  
captus, ubi  
visus perdi-  
tus fuit  
de eo.

suy et repris qe homme ne perde mie le vewe de lui il serra <sup>1a</sup> jugement<sup>1</sup> pour eschape. Et ceo apparust de deux prisons<sup>2</sup> qe eschaperent hors du chastel de Canterburie<sup>3</sup> e furent suyz e repris arere mais<sup>4</sup> trove fut par dozeine qe quant il eschaperent <sup>5</sup> si ceo musserent<sup>5</sup> en champs<sup>6</sup> et Ten tant ceuz qe les suyront<sup>7</sup> perderent la vewe, par quei ce fust agarde eschap<sup>8</sup> par SIRE HERVY DE STAUNTONE.

De nusance  
fet sur le  
real chemyn.

<sup>9</sup>La ou anuisance<sup>10</sup> est leve de mur ou dautre &c., a nusaunce du real chemyn <sup>11</sup>si la chose put estre soeffert sanz grant damage du pays si estera la chose en pees e serra <sup>12</sup>arente au<sup>12</sup> Roi, e<sup>13</sup> si la chose ne put my estre soeffert sanz grant damage du pays <sup>14</sup>si serra<sup>14</sup> la nusance abatu a les costages<sup>15</sup> celi qe le leva.

#### <sup>16</sup> NOTA.

Cum quis occisus felonice fuerit per diem nisi<sup>17</sup> felo captus fuerit per diem tota villa in qua feloniam<sup>18</sup> ad iudicium.

#### <sup>19</sup> NOTA.

Judicium  
de catalla  
qui  
ponitur<sup>20</sup> in  
exigendo.

Quum quis ponitur in exigendo causa felonie catalla confiscantur, secus est causa transgressionis.

#### <sup>21</sup> NOTA.

Evasio adjudicata fuit super totum Burghum de felone qui abjuravit regnum.

Appellum  
de raptu.

<sup>22</sup> Une Alice appella un Johan de raap et de la pees nostre seignour le Roi enfreynte, et dist qe certain jour certain lu en certeigne ville a force ly rauist soun pucelage encountre la pees etc. Johan vint e defendist toute manere de felonie e quant qest encountre la pees e la dignete e la Coroune etc. e dist qe de rien coupable etc. par quey etc. E pourceo qe troue fust par enqeste qil fust coupable e qe le fait fust fait auaunt le statut, si Alice ne se eust retret de soun appeal par counsail il eust este agarde qe ele eust creue les oyls Johan e cope

<sup>1-1</sup> ajugie, aa; ajuge, ð. <sup>2</sup> persones, ð. <sup>3</sup> Chaupers, ð. <sup>4</sup> from aa, ð; mesqe, ð. <sup>5-5</sup> il se mistrent, ð. <sup>6</sup> from aa; chans, ð; chons, ð. <sup>7-7</sup> eux quant els qi ensuerent, ð. <sup>8</sup> eschappe, ð. <sup>9</sup> Note from aa, ð, ð, γ. Text from ð corrected by and collated with the others. <sup>10</sup> nusance, aa. <sup>11-12</sup> ð omits. <sup>12-12</sup> tenu du, aa. <sup>13-14</sup> ð omits. <sup>15</sup> ð omits costages. <sup>16</sup> Note from aa, ð, κ. Text from ð. <sup>17</sup> from κ; aa, ð have ubi. <sup>18</sup> aa adds etc.; κ adds facta fuerit. <sup>19</sup> Note from aa, ð. Text from ð. <sup>20-20</sup> que ponuntur, aa. <sup>21</sup> Note from κ. <sup>22</sup> Reported by ε only.



re-taken that he disappeareth from sight, there shall be judgment given of escape. And this was laid down in the case of two prisoners that escaped from Canterbury Castle and were pursued and taken back. As it was found, however, by the dozen that these men fled into the fields and were lost sight of by their pursuers, it was by SIR HERVEY STAUNTON J. ruled to be an escape.

prison, and  
are lost sight  
of because they  
be retaken.

Where a nuisance to those passing along the King's highway is created by a wall or by other reason, and such nuisance can yet be suffered without great damage to the neighbourhood, it may be left unabated, and he that created such nuisance shall pay a yearly sum to the King for maintaining it; but if it cannot be suffered without great damage to the neighbourhood, then shall such nuisance be abated at the cost of him who created it.

Of nuisance  
created on  
the King's  
highway

#### NOTE.

When one has been feloniously slain in the daytime and during such daytime the felon has not been taken, the whole town where such felony was committed shall be under judgment.

#### NOTE.

If one be put in exigent by reason of felony his chattels are confiscate. It is otherwise in case of trespass.

Of the  
chattels of  
one put in  
exigent.

#### NOTE.

In the case of a felon who abjured the realm and then escaped, judgment of escape was given against the whole borough.

A certain Alice appealed one John of rape and of breach of the peace of our lord the King, and said that upon a certain day in a certain place within a certain town he, the said John, had ravished her of her virginity against the peace etc. John came and defended all manner of felony and whatsoever be against the peace and the dignity and the Crown etc., and said that of nothing was he guilty etc., and so etc. And because it was found by inquest that he was guilty and that he had done such deed before the Statute,<sup>1</sup> if Alice, by advice of counsel, had not withdrawn her appeal, the judgment of the Court would have been that Alice should tear out John's eyes and cut off his testicles, as he was a

Appeal of  
rape.

<sup>1</sup> i.e. Stat. West. II. c. 34. See *Mirror of Justices* (Selden Society, Vol. VII.) p. 141.



ses botons pour ceo qil fust marie. Mes si ele fust seingle le juggement serreyt qil la esposast ou qil eust cele penaunce etc.

De  
decenario  
abstracto.

<sup>1</sup> Un fraunk home auoit soustret un dizeyner par terre qil auoit pris en demeyne issi qil ny auoit dizeyner ou estre soleyt. E pur ceo qe les Justices trouerent qil fust en auqun temps dizener fust le fraunk home comaunde a la prisone e amercie etc. e la demoera taunt qe le Roy fust servy de un dizener com avaunt la soustrete estre soleyt.

<sup>2</sup> Quidam homo occidit quendam alienum hominem et statim fugit. Ideo catalla ejus confiscantur propter fugam et fut la Jure charge des chateux et ils assistrent les chateux, et fut demande par Rauf de Bereforde sil naueit nulle terre, et il fut dit qe noun si noun de part sa femme. Puis furent charges com bien cele terre valut par an et demesne lez temps tanqe fut en leire le vicounte respondra de taunt com il assistrent la terre par an.

<sup>3</sup> Radulfus Molendinarius de Sandon et Rogerus garcio ejusdem Radulfi de Borgha de Wytham venerunt noctanter ad molendinam de Harghes & ibidem occiderunt Willhelmum Molendinarium & idem molendinarium et bona et catalla sua asportaverunt. Et statim fugerunt nescitur quo devenerunt et Jurati male credunt ipsos Radulfum & Rogerum de morte predicti Willelmi Ideo ipsi exigantur & utlagentur Nulla habuerunt catalla sed predictus Radulfus fuit in Borgha Simonis Godwyn de Wytham qui modo non habet ipsum Ideo in misericordia et Rogerus non fuit in Borgha set fuit de manupastu Roberti archiepiscopi Cantuariensis qui obiit. Nulla Englescheria presentata Judicium murdrum super hundredum Primus inventor & tres vicini obierunt et Thomas de Brok unus vicinorum non malecreditui et villate de Wymelyngewelde et Egethorn non venerunt pleno ad inquisitionem Coronatoris. Ideo in misericordia.

<sup>3</sup> Robertus filius Nicholai le Vod<sup>t</sup> de Borgho de Chiltone stetit infra clausum dieti Nicholai cum aliis pueris et cum venisset juxta quoddam

<sup>1</sup> Reported by *c* only.  
Proper names from E. R.

<sup>2</sup> Reported by *v* only.

<sup>3</sup> Reported by *θ* only.

<sup>4</sup> On the same membrane of the E. R. are recorded the deaths *per infortunium* of both Robert and his father Nicholas.



married man. If he had been single the judgment would have been that he should marry her, or should suffer that penance etc.<sup>1</sup>

A freeholder by acquiring certain demesne land did away with the office of a certain tithing-man, so that there was no tithing-man where one had been wont to be. And because the Justices found that one had been so wont to be there, the freeholder was committed to prison and amerced etc., and there is he to stay until the King again has the services of a tithing-man there where he used to have them aforetime, before the office of the said tithing-man was so done away with.

Of the suppression of a tithing-man's office.

A certain man slew another that was a stranger and straightway fled. And because he so fled his chattels are confiscate. And the Jury was charged with the assessment of these chattels. RALPH BEREFORD C.J. asked whether the man had any land, and it was said that he had none, save only in the right of his wife. Then was the Jury charged to assess the yearly value of that land; and also the mesne profits up to the holding of the Eyre; and for these shall the Sheriff be answerable.

Ralph the miller of Sandown and Roger his man of the borough of Wytham came by night to the mill at Hardres and there slew William the miller, and carried away the body of the said miller and his goods and chattels. They straightway fled, and it is not known what has become of them. The Jurors suspect both that same Ralph and that same Roger of the death of the aforesaid William. So they are to be put in exigent and outlawed. They have no chattels, but that same Ralph was of the pledge of Simon Goodwin of Wingham, who does not now produce him; so the said Simon is in mercy. Roger was not of any pledge, but was of the mainpast of Robert, Archbishop of Canterbury, now deceased. Englishry was not presented. Judgment of murder against the hundred. The first finder and three of the neighbours are dead; and Thomas Brook, one of the neighbours, is not suspected. The townships of Womenswold and Esle did not come fully to the Coroner's inquisition. Therefore they are in mercy.

Robert, the son of Nicholas Wade, of the borough of Chilton was, together with other boys, in the close of the said Nicholas, and when

<sup>1</sup> 'Virgo cum corrumpitur membrum amittit, et ideo corruptor punitur in eo in quo deliquit; oculos igitur amittat propter aspectum decoris quo virginem concupivit, amittat et testiculos qui calorem stupri induxerunt.'—Bracton,

*De Corona*, f. 147. 'Si appellatus per patriam fuerit condemnatus sine aliqua redemptione oculos amittat et testiculos supradicta ratione nisi ita sit quod femina sic corrupta eum petat in virum ante iudicium redditum.'—*Ibid.* f. 148.





stagnum in eodem clauso cecidet in idem stagnum et submersit se nullus inde malecreditur. Primus inventor & quatuor vicini obierunt Judicium infortunium.

<sup>1</sup> Salamon Roys de Ikham venit ad domum Alicie filie Dionisii le Whenes et ipsam verberavit et percussit super ventrem cum quodam baculo ita quod statim obiit Et predictus Salamon statim fugit et Jurati malecredunt ipsum de morte predicta Ideo exigatur & utlagetur nulla habuit catalla nec fuit in Borgha quia vagans. Nulla Englescheria presentata Judicium murdrum super hundredum. Et Matilda filia Dionisii le Whenes prima inventrix non venit nec malecreditur et fuit attachiata per Magistrum Walterum de Wenderton. Ideo in misericordia. Et duo vicini venerunt & non malecreduntur et Robertus Menweder et Thomas Dornayl duo vicini non veniunt et predictus Robertus fuit attachiatus per Robertum Cotherde et Carolum Herdman Thomas fuit attachiatus per Johannem Mondy et Willelmum Boze. Ideo ipsi in misericordia et quia villata de Cosniton non fecit sectam Ideo in misericordia &c.

<sup>2</sup> Willelmus le Neve de Borgha de Wengham in veniendo de taberna apud Wykham juxta molendinum quod vocatur Dodemelle cecidit in aquam de quadam planchiam (*sic*) subtus rotam exteriorem de molendino et ibidem oppressus fuit ita quod statim obiit. Primus inventor et tres vicini non malecreduntur nec aliquis alius Judicium infortunium et Thomas Dornayl unus vicinorum non venit nec malecreditur et fuit attachiatus per Thomam Thunder et Ricardum Cardoun. Ideo ipsi in misericordia. Precium rote et planchie de qua cecidit ij s. & iiij d. unde vicecomes respondet.

<sup>2</sup> Nicholas de Wode de Borgho de Chilton ducens carectam suam cum quatuor equis in quodam campo in Borgho de Chilton et ibidem dicti equi predictum Nicholaum prostraverunt et ipsum traxerunt (*sic*) per medium campi ita quod statim obiit Primus inventor et quatuor vicini veniunt et non malecreduntur. Judicium infortunium. Precium quatuor equorum [et] carecte liij s. & x d. unde vicecomes respondet.

<sup>2</sup> Johanna que fuit uxor Willelmi le Fevere atte Hill et Isabella filia eidem Johanne noctanter frugerunt domum Johannis de Gosehalle

<sup>1</sup> Reported by *θ* only. Corrected by E. R. Proper names from E. R. It is recorded later in the E. R. that Solomon Roys took sanctuary in the Church of St. Dunstan at Westgate; and, confessing before H. de Wogkope, the coroner, that he had killed the above-mentioned Alicia, abjured the realm. <sup>2</sup> Reported by *θ* only. Proper names from E. R.



the said Robert came to a certain pond that was within the said close he fell into it and was drowned. No one is suspected of aught in connection therewith. The first finder and the four neighbours are dead. Judgment of misadventure.

Solomon Roys of Iekham went to the house of Alice the daughter of Dionysius Wheen, and beat her and struck her upon the belly with a certain bludgeon so that she suddenly died. And the said Solomon straightway fled. And the jurors suspect him of the said death; so he is to be exacted and outlawed. He had no chattels, neither was he of any borough, seeing that he was a vagrant. Englishry was not presented; and so judgment of murder against the hundred. And the first finder, Matilda the daughter of Dionysius Wheen, came not, nor is she suspected. She was attached by Master Walter of Weddington, who is therefore in mercy. And two of the neighbours came and are not suspected. And Robert Menweder and Thomas Dornayl, two of the neighbours, do not come. And the said Robert was attached by Robert Cotherde and Charles Hartman. Thomas was attached by John Mundy and William Boze. Therefore these are in mercy. And because the township of Cosenton did not make suit, it, too, is in mercy.

William Neave of the borough of Wingham was returning from the tavern at Wickham, and by the mill which is known as Dod-mill he fell off a certain plank into the water and under the outer mill-wheel, by which mill-wheel he was crushed so that he straightway died. The first finder and three neighbours are not suspected, neither is any other. Judgment of misadventure. Thomas Dornayl, one of the neighbours, did not come, and is not suspected. He was attached by Thomas Thunder and Richard Carden. These, therefore, are in mercy. The value of the wheel and of the plank from which he fell is two shillings and fourpence, for which the Sheriff is answerable.

Nicholas Wood of the borough of Chilton was driving his cart drawn by four horses in a certain field within the borough of Chilton, and there the said horses knocked the said Nicholas down and dragged him along through the middle of the field so that he straightway died. The first finder and the four neighbours come, and are not suspected. Judgment of misadventure. The value of the four horses and of the cart is fifty-four shillings and tenpence, for which the Sheriff is answerable.

Joanna that was wife of William Lefevre at Hill and Isabella that was daughter to the same Joanna broke by night into the house of John of Goss Hall in the town of Esher and carried away



in ville de Esshe et bona sua asportaverunt et statim post fugerunt nescitur quo devenerunt et Jurati malecredunt eos. Ideo exigantur et weyventur. Nulla habuerunt catalla &c.

<sup>1</sup> Johannes filius Johannis de Caldecote obviavit noctanter Johannem filium Johannis Molendinarii in Borgho de Godwyneston et mota contencione inter eos Johannes filius Johannis Caldecote percussit predictum Johannem filium Johannis Molendinarii cum quodam baculo in capite subtus aurem ita quod statim obiit. Predictus Johannes filius Johannis statim post factum fugit et jurati malecredunt eum de morte predicti Johannis filii Johannis Molendinarii. Ideo ipse Johannes filius Johannis de Caldecote exigatur et utlagetur. Catalla ejus nulla et fuit in Borgha Johannis Storm qui modo non habet ipsum. Ideo ipse in misericordia. Et Godefridus primus inventor non venit nec malecreditur et fuit attachiatus per Robertum atte Wode. Ideo in misericordia. Et Johannes Storm senior Simon Shameles et Willelmus Thikenhurst vicini non veniunt nec malecreduntur. Et Johannes Storm fuit attachiatus per Thomam filium Stephani de Akholte et Simon Shameles attachiatus per Johannem de Akholte et Johannem Storm eodem modo de sociis Ideo ipsi in misericordia nulla Englescheria presentata. Judicium murdrum super hundredum et villata de Godwyneston non venit plene ad inquisitionem coram coronatore Ideo in misericordia. Et quia Walterus de Shorne filius et heres Henrici de Shorne coronatoris non venit cum rotulis suis ad judicium de eo. Et quia hoc evenit de die et xii presentant de nocte, ad judicium de eis &c.

<sup>1</sup> Agnes filia Thome Rolf de Borgho de Wymelynge fuit ad quemdam puteum in villa de Wymelyngwolde et saltando in eundem gratis se submersit. Judicium felo de se et Robertus Le Wyne primus inventor et similiter tres vicini veniunt nec malecreduntur et Radulphus Faber unus vicinus non venit nec malecreditur et fuit attachiatus &c. Ideo ipsi in misericordia catalla predictae Agnete v s. & vj d. unde vicecomes respondet. Postea testatum est quod predicta Agneta habet plura catalla in hundredo de Bensbergh. Ideo ibidem inquirendum. Postea jurati xii veniunt de Bensbergh et dicunt quod predicta Agneta habet catalla in hundredo suo videlicet x s. unde idem vicecomes respondet. Et villata de Wymelyngewelde falso appreciavit predicta catalla. Ideo in misericordia.



his goods and then immediately fled. It is not known what has become of them, and the Jurors suspect them. So they are to be exacted and waived. They had no chattels etc.

John the son of John of Caldicot met John the son of John the miller in the borough of Goodnestone by night, and, quarrelling together, John the son of John of Caldicot struck the said John the son of John the miller upon the head beneath the ear with a certain bludgeon so that he suddenly died. The aforesaid John the son of John thereupon straightway fled; and the jurors suspect him of the death of the said John the son of John the miller. So let this John the son of John of Caldicot be exacted and outlawed. He had no chattels, but he was in the mainpast of John Storm, who does not now produce him. So the said John Storm is in mercy for this. And Godfrey that was the first finder does not come, nor is he suspected. He was attached by Robert Wood; so Robert is in mercy. And John Storm Senior, Simon Shameless and William Thickenhurst, that were neighbours, come not, neither are they suspected. And John Storm was attached by Thomas the son of Stephen of Oakholt, and Simon Shameless was attached by John of Oakholt and John Storm jointly. So these are in mercy. Englishry was not presented, so judgment of murder upon the hundred. And the township of Goodnestone did not fully come to the coroner's inquisition, so it is in mercy. And seeing that Walter of Shorne, son and heir of Henry of Shorne that was coroner, came not with his rolls, to judgment of him. And because this happened in the day-time and was presented by the dozen as at night, to judgment of that dozen etc.

Agnes the daughter of Thomas Rolf of the borough of Womenswold, being at a certain well in the town of Womenswold, of her own free will jumped therein and was drowned. Judgment of *felo de se*. And Robert Lewin, the first finder, and likewise three neighbours come and they are not suspected. And Ralph Faber, one of the neighbours, comes not, nor is he suspected, and he was attached etc. and so these<sup>1</sup> are in mercy. The chattels of the aforesaid Agnes are valued at five shillings and sixpence, and for this is the Sheriff answerable. Afterwards it is testified that the aforesaid Agnes had other chattels in the hundred of Brenehley. So inquiry must be made there. Afterwards come twelve jurors from Brenehley and say that the aforesaid Agnes has chattels in their hundred, to wit, of the value of ten shillings. The same Sheriff is to be answerable for this. The township of Womenswold made false appraisement of the aforesaid chattels. So it is put in mercy.

<sup>1</sup> i.e. the pledges, whose names are concealed in the 'etc.'





<sup>1</sup>Willelmus de Oxteghe Thomas filius Odonis de Updoun Johannes filius Osberti Coppe & Agnes Lehe filia Willelmi Coppe noctanter veniunt ad domum Christine Herlewyne in Borgho de Chilton et eandem domum intraverunt et quendam Robertum de Whytefold capellanum quem in eadem domo invenerunt verberaverunt et vulneraverunt ita quod inde obiit et statim fugerunt et nescitur quo devenerunt et Jurati malecredunt eos ideo ipsi exigantur et utligentur et predicta Agneta exigatur et weyvetur. Catalla predicti Willelmi de Oxteghe xiiij[s.] unde vicecomes respondet et fuit in Borgha de Chilton que modo non habet ipsum ideo in misericordia Idem Willelmus habet terram unde annus et vastum ij s. & ij d. unde vicecomes respondet et de exitibus terrarum de medio tempore lx s. & vj d. ob. unde vicecomes respondeat Catalla predicti Thome filii Odonis vj s. & vj d. unde vicecomes respondet. Idem habuit terram unde annus et vastum ij s. unde vicecomes respondet et de exitibus terre de medio tempore xxviiij s. unde idem vicecomes respondet. Catalla predictae Agnete iiij d. unde quidam executor [respondet] et villa de Wengham falso appreciavit predicta catalla. Ideo in misericordia. Et predicta Cristina venit et jurata nullo modo malecredit eam. Nulla Englescheria presentata Judicium murdrum super hundredum et Willelmus le Blake unus vicinorum non venit nec malecreditur et fuit attachiatus per Gilbertum le Broun et Willelmum le Saghieri. Ideo ipsi in misericordia. Et Stephanus le Carpenter falso presentavit se vicinum. Ideo in misericordia per plegium Ade Herlewyne.

<sup>1</sup>Quidam Johannes filius Rogeri Insh in Borgho de Wengham venit noctanter in Wengham subtus curtilagium Johannis Cobbe & idem Johannes filius Rogeri oppressus frigore obiit Postea compertum est per rotulos coronatoris quod predictus Johannes filius Rogeri verberatus fuit in villa de Sanduico et aure ejus obtisa et in redeundo de Sanduico venit in predicta Borgha de Wengham et ibi nocte sequente pro dolore batterie et frigore obiit Necitur <sup>2</sup>qui fuit et quia xii presentaverunt factum omnino tanquam infortunium Ideo ad judicium de eis. Et Johannes Cobbe primus inventor non venit nec malecreditur et fuit attachiatus &c ut supra.

<sup>1</sup> Reported by *θ* only. Proper names from E. R.

<sup>2</sup> *Sic.*



William of Oxney, Thomas son of Otho of Updown, John son of Osbert Coppe and Agnes Leah daughter of William Coppe come by night to the house of Christina Herlewyne in the borough of Chilton, and that same house did enter, and a certain Robert of Whitfield, a chaplain, whom in that same house they found, did beat and wound so that he died thereof; and they immediately fled, and it is not known what became of them. The jurors suspect them. So let them be exacted and outlawed; but the aforesaid Agnes is to be exacted and waived. The chattels of the aforesaid William of Oxney are valued at fourteen shillings, for which the sheriff is answerable. He was of the borough of Chilton, which does not now produce him, and so is in mercy therefor. The same William holds land of which the year and waste is valued at three shillings and threepence, and for this is the sheriff responsible. The mesne profits of the land are sixty shillings and sixpence halfpenny, for which, too, the sheriff is responsible. The chattels of the aforesaid Thomas son of Otho are valued at six shillings and sixpence, for which the sheriff is answerable. Also the same held land whereof the year and waste is valued at two shillings, for which the sheriff is answerable. The mesne profits of his land are twenty-eight shillings, for which the same Sheriff is responsible. The chattels of the aforesaid Agnes are valued at fourpence, for which a certain executor is answerable; and as the town of Wingham made false appraisement of these chattels it is in mercy. The aforesaid Christina comes, and the jury in no way suspects her. Englishry is not presented, and so judgment of murder against the hundred. William Blake, one of the neighbours does not come, nor is he suspected. He was attached by Gilbert Brown and William Sawyer, who are therefore in mercy. Stephen Carpenter falsely presented himself as one of the neighbours, and so he is in mercy, and Adam Herlewyne is his pledge.

A certain John that was son of Roger Inch of the borough of Wingham came by night into the curtilage of John Cobbe in Wingham, and that same John that was Roger's son was overcome with cold and died. It is found after by the coroner's rolls that the aforesaid John that was Roger's son was beaten within the town of Sandwich and his ear grievously wounded, and that on his way back from Sandwich he came into the aforesaid borough of Wingham; and that there, on the night following, he died from the injuries he had received from the aforesaid beating and wounding and from cold. It is not known who so beat him; but because the dozen presented the cause of his death as simple misadventure, to judgment of them. And John Cobbe, the first finder, does not come nor is he suspected. He was attached etc. as above.



<sup>1</sup> Johannes le Buntere cappillanus venit ad domum Johannis le White in Borgho de Chilton et cum intrare non potuit per hostium ejusdem domus fregit quandam fenestram et per eandem intravit et supervenit predictus Johannes le White et contencione inter eos mota occidit predictum Johannem le Buntere et Johannes le Wyte statim fugit. Ideo catalla ejus confiscantur pro fuga catalla ejus xxv s. unde vicecomes respondet Et quia hoc de die evenit et Borgha de Chilton ipsum non cepit Ideo in misericordia Nulla Englescheria presentata Judicium murdum super hundredum Primus inventor et tres vicini veniunt & non malecreduntur et quartus vicinus obiit et Borghe de Overlonde, Wenderton, Rolling, et Dene non venerunt plene ad inquisitionem coram coronatore Ideo ipse <sup>2</sup> in misericordia. Et testatum est quod predictus Johannes le White manens est in patria Ideo capiatur. Postea venit predictus Johannes le White et quesitus qualiter se velit de morte predicta acquietare dicit quod dominus E. pater regis E. nunc perdonavit ei sectam pacis sue que ad ipsum pertinet per cartam suam quam profert in hec verba Edwardus dei gracia &c quia accepimus per recordum dilectorum &c Henrici Spigurnel & Thome de Insula nuper Justiciariorum nostrorum ad gaolam nostram de Maydenstan deliberandum assignatorum quod Johannes le White captus & detentus in gaola predicta pro morte Johannis le Buntere unde rettatus fuit interfecit ipsam se defendendo ita quod mortem propriam alibi evadere non potuit & non per feloniam aut per maliciam exagitam Nos pietate moti perdonavimus eidem sectam pacis nostre que ad nos pertinet pro morte predicta et firmam pacem nostram eidem concedimus ita tamen quod stet recto &c. Et quia predictus E. Rex perdonavit ei sectam pacis sue &c Et modo solempniter proclamatum quod si quis sit qui versus eum sequi voluerit pro morte predicta veniat et nullus est qui sequitur Ideo firma pax ei conceditur. Et nota quod chescun Clerke avera une peire des ganz et le chefs Clarks ij s. et les Marches ij s. pur sa pees crier.

<sup>3</sup> Nota qe chescun wan <sup>1</sup> saver les armes dont les gentz sont tues et deodands qe ne passent point vj d. demi sont au chef Clerk et outre vj d. au roie et ceo est son fee et serra paie maintenante.

<sup>1</sup> Reported by *θ* only. Proper names from E. R.

<sup>2</sup> *Sic.*

<sup>3</sup> Note from *θ*.

<sup>4</sup> See *Glossary*.



John Bunter, chaplain, came to the house of John White in the borough of Chilton, and there, seeing that he could not gain entrance by the door, broke a certain window through which he obtained entrance into the said house ; and the aforesaid John White thereupon coming, a quarrel arose between them, and the said John White slew the said John Bunter, and then straightway fled. And because he so fled, his chattels are confiscate. They are valued at five and twenty shillings, for which the sheriff is answerable. And because this happened in the day-time, and the borough of Chilton took him not, the said borough is in mercy. Englishry was not presented ; and so judgment of murder against the hundred. The first finder and three neighbours come and are not suspected. The fourth neighbour is dead. And the boroughs of Overland, Weddington, Rolwing, and Dene did not come fully to the Coroner's inquisition, and so they are in mercy. And it is testified that the aforesaid John White is at large in the country. So it is ordered that he be taken. Afterwards comes the said John White, and being asked how he will acquit himself of the aforesaid slaying says that our lord Edward that was father of King Edward that now is pardoned to him the suit of his peace that was appurtenant to him, the King, by his charter, in the words following, which charter the said John now tenders. 'Edward by the grace of God etc. Seeing that we have learned from the record of our beloved etc. Henry Spigurnel and Thomas de Insula that were lately our Justices assigned to deliver our gaol at Maidstone that John White, who was taken and detained in the said gaol on suspicion of having caused the death of John Bunter, slew the said John Bunter in self-defence, as the only means by which he himself might escape death, and not feloniously or of malice aforethought. We, moved thereto by compassion, have pardoned to the said John White the suit of our peace to us appurtenant for the said death, and our firm peace we concede to him provided always that he justify etc.' And seeing that the aforesaid E. the King pardoned to him the suit of his peace, etc., solemn proclamation is now made that if any there be who will make suit against him for the aforesaid death, let him now come forward. And none there is to bring suit. So firm peace is granted to him. And note that every clerk shall have a pair of gloves, and the chief clerks two shillings, and the marshals two shillings for proclaiming his peace.

Note that every *wan*, that is to say the weapon by which any be slain, and deodand not exceeding the value of sixpence halfpenny, go to the clerk ; and those exceeding the value of sixpence to the King. It is his fee, and shall be given to him forthwith.





<sup>1</sup> Nota qui habet jura ecclesiastica non habebit inventorem set  
 iiij vicinos tantum et lieet viduat (*sic*) per xv dies post vulneracionem.  
 Si non loquatur habet inventorem.

<sup>1</sup> Nota qe si dorrein presentent nul article del eyre sur nul home  
 il serra fait venir maintenant par vicounte e quant il vendra il coient  
 qil se mettre sur la dorreine qi lenditerent et sil ne puisse resonable  
 encheson assigner & si nest ceo pas challenge a dire qe eux lenditer[ent]  
 Et si ceux qi lenditent laquient apres il seront comaunde a la prison  
 par ce parole *custodiantur*.

<sup>1</sup> Nota qe tuz ceux qi doregne presentent qe furent presentz quant  
 un home est tue serront comaunde destre prins tut die la doreigne  
 quil ne soyent de riens copable Et quant il vendrent il serront arrenez  
 du principall fait et tut soient il aquite par lour metre serra enquis  
 sil leverent la mene sur le felon et mistrent leal pouer del prender & si  
 trove soit qil ne firent point serront comaunde a la prison e de illoques  
 reyntz.

<sup>1</sup> Nota que chescun quest ataint sur article de eyre serra comaunde  
 a la prison e de illoques ferra sa fyn fors en cas de stattute &c.

<sup>1</sup> Nota si home eit franchise per la chartre le roie e cleyme plus  
 haut qe la chartre ne voet tote la franchise serra prise en le maine le  
 roie.

<sup>1</sup> Nota qe si les aventez ne soient presentez par les villes a prochein  
 counte apres qe le coroner avera fait son office tut le presentent il al  
 autre counte les villes serront amercie en eyre Et Nota le vicounte  
 ne purra faire nul execucon des enditementz fait devant coroner sanz  
 precept del dit coroner.

<sup>1</sup> Nota qe clerke arene de felonie qi se prent a sa clergie primes serra  
 enquis de sa Biggamie et sil soit trove bigamie serra fait de ly come

<sup>1</sup> Note from *θ*.



Note that in the case of one who has received the rites of the Church no finder is needed, but four neighbours only, and this though he live for fifteen days after that he was wounded ; but if he speak not, then must there be a finder.

Note that if a dozen present any one in respect of some article of the Eyre the sheriff shall forthwith have such an one before the Court, and when he comes he shall put himself upon the jury that indicted him, and if he can make no reasonable excuse nor refute the charge brought against him, [he shall be in mercy.] And if those who have indicted him shall after acquit him they shall be committed to prison ; and the sentence shall be conveyed in this word *Custodiantur*.

Note that all such as a dozen shall present as having been present when a man is killed shall be ordered to be taken, even though the dozen say that they be guilty of naught. And when they come they shall be arraigned of the principal fact, and though they be acquitted after they have put themselves on a jury, yet, notwithstanding this, shall inquisition be made as to whether they raised hue and cry after the felon, and did their best to take him ; and if it be found that they did not so, then shall they be committed to prison, and for such their default shall they be fined.

Note that everyone that is attainted in respect of any Article of the Eyre shall be committed to prison, and from thence he shall make his fine, except as the statute provides etc.

Note that if one that hath franchise through charter of the King claim to have higher franchise than is granted by such charter, the whole franchise shall be taken into the King's hand.

Note that if misadventures be not presented by the towns at the county court next ensuing after that the coroner has performed his office the towns shall be amerced in Eyre, notwithstanding that they may have presented such misadventures at other county court. And note further that the Sheriff may not do execution upon such as have been indicted before the coroner without precept from such coroner.

Note that if a clerk that be arraigned for felony shall plead his clergy, inquest shall be straightway made as to whether he be a bigamist,<sup>1</sup> and if it be found that he be a bigamist, he shall be tried as though

<sup>1</sup> Sc. one who married a second wife, or one who married a widow. Cf. Statute of Bigamists.



de Ley home Nota qe home pris pur suspeccion ou endite com comune laron e de ceo arene les justices dirroit a la dorein qil ne les soient pas sil ne soit pas certain fait. Nota quant home est pris pur felonie le vicounte seisera terres e chateux en la maine le roie e les tendra tantqe a sa deliveraunce e sil soit delivere il reavera ses terres et ses chateux nisi confiscantur pro fuga.

<sup>1</sup> Nota qe coroner ne purra mie prendre enquest sinon la ou il y a corps present sil neit espediale garantie a ceo faire.

<sup>1</sup> Nota qe si mahem soit presente en eyre et les parties soient accordez serra enquis qi furent a lacord e tuz qi furent a lacord fere serront amercies en eyre.

<sup>1</sup> Nota qe vilein atteint de felonie le roie avera les chateux troves en sa possession le jour de la felonie faite et ne mie son seigneur et si le seigneur eit happe ses chateux apres la felonie il respondra en eyre et si avant la felonie il les tendra.

<sup>1</sup> Nota qe si Clerkes liverie a ordinare devie en prison le roie avera ses chateux et les issues de sa terre jesques a sa mort pur ceo qel fust soile auxi avant com la cort le roie le poiet soiler et si ne serra il pur veu de coroner et sil soit en vie e purge Levesqe priera au roie qil li face reaver ses chateux caritate tantum. Mais si home soit en le prison le roie pur felonie il pust faire testament & sil devie apres en prison nient atteintz le corps serra veu de coroner et ses chateux liveres a ses executors ou a ordiner Mais le roie avera les issues de sa terre des meen temps forpris sa sustenance demene et feme et enfantz naveront riens.

<sup>1</sup> Nota si home endite de felonie eit feme enherite le roie avera les issues del heritage sa feme du temps qil est en prison auxi avant come de son droit demene en mesme le mannere le roie avera les issues ou il est futiff tantqe il soit mort ou atteint per utlagerie ou en autre

<sup>1</sup> Note from *θ*.



he were a layman. Note that when a man has been arrested on suspicion and indicted as a common thief, and arraigned for this, the Justices shall tell the jury not to find him guilty unless they are certain of his guilt. Note that when one is taken for felony the Sheriff shall seize his lands and chattels into the King's hand, and shall keep them till his deliverance; and, if he be delivered, he shall recover possession of his lands and chattels, if it be so that they are not confiscated by reason of his having fled.

Note that a coroner cannot hold an inquest if there be no body present, unless he have a special warrant so to do.

Note that if mayhem be presented in Eyre and the parties have come to agreement, inquest shall be holden as to who came to such agreement, and all that so came to an agreement shall be amerced in Eyre.

Note that if a villein be attainted of felony the King shall have such chattels as were found in his possession on the day of the commission of the said felony, and not the lord; and if the lord snapped<sup>1</sup> his chattels after the commission of the felony he shall answer for them in Eyre, but if he did so before the felony he shall keep them.

Note that if a clerk that hath been delivered to his Ordinary die in prison, without view being had of him by the coroner, the King shall have his chattels and the issues of his land until his death, because that such an one had been convicted so far as he could be convicted by the King's Court before being so delivered. But if he live to purge himself then shall the Bishop pray the King that he may recover possession of his chattels, but of grace only. But if a man be detained within the King's prison for felony he may make a will, and if he afterwards die in prison without having been convicted of aught the coroner shall have view of his body, and his chattels shall be delivered to his executors or to the Ordinary. But the King shall have the issues of his lands for the meantime; saving what he needed for his own sustenance, and his wife and children shall have nothing.

Note that if a man indicted for felony have a wife possessing an estate of inheritance the King shall have of his own right the issues of the wife's heritage from the time that he is imprisoned, as above. And in the same way the King shall have the issues where such an one absconds till he die or be attainted by outlawry or in other way; and

<sup>1</sup> *Happer*. This is the word that was used of the 'Blind Man' in 'Blind Man's Buff,' when he caught any one.

'L'hoste fut happé  
'Par son verlet, sans dire mot.  
'Disant: "Je vous ay attrapé."  
—Poésies attribuées à Villon:  
*Sixième Recueil Française.*





manere et tut eit il apres chartre le roie de sa pees le roie doit estre servi in eyre des issues des dites terres &c e del meene temps.

<sup>1</sup> Nota qe deux Merchantz avoient lour biens en comon lun trove des larrons lautre siwz freshement e fist prender les larrons qe a sa sewt furent penduz nient contre esteaunt quil deviendrent appellors a les appelez nient adunqes pris et derena lour comune chateux a son oeps demene e fust enquis de office de tout si les larrons fuerent pris a la seut et a huy et crie qil leva fust trove qe oil et si les revers ust estre trouve les chateux ussent demore au roie come chateux de felouns forfeitz et Nota que le Merchant ne trova point plegges eins qil vint en cort e le jugement fust qe le appelle fust pendu al costages le merchant.

<sup>2</sup> Un marchaund suwist un appel de roberie devers un homme et counta<sup>3</sup> qe la ou mesme cesti et un autre<sup>4</sup> furent marchauns en comune la vynt lapele ensemblement oue<sup>5</sup> un autre<sup>6</sup> mesconu<sup>7</sup> certeyn jour auxi cum il furent enchemynant vers Doure et robert<sup>8</sup> son compaynoun dun chival et daltre choee etc. et assigna le pris de chescun chose et <sup>9</sup>fuerent<sup>10</sup> son compaynoun <sup>11</sup>la tiel temps<sup>12</sup> etc<sup>13</sup> les Justices demanderent le marchaunt de quei suite <sup>14</sup>le marchaunt<sup>15</sup> fut pris et il dit qil fut pris a la sute un<sup>16</sup> garson qi fut ouesqe son compaynoun a tiel temps <sup>17</sup>et fut lor comune garson et pur ceo qe ceo fut a la sute le garson qi fut ouesqe ly a tiel temps<sup>18</sup> fut auys a

<sup>19</sup>SPYGURNEL ORMESBY et MUTFORD<sup>20</sup> qe asset fut il pris a la suite le marchaunt de pus qil fut pris a la sute lor comune garson et pur ceo qe le chival et les altres choees furent amenez devant<sup>21</sup> les Justices et pur ceo qe le laron fut pris oue le mayn oure fut demande dil marchant quele choee fut de denz la male et il lor dit etc.<sup>22</sup> il <sup>23</sup>regarderent et<sup>24</sup> trouerent auxi com il out dit par quei lenqueste fut charge si lapele fut pris a la sute le garson et sy celui qi fut occys et le marchant qi suit furent marchants en comune auxi com il dit il dyseont qe oyl. Et pur ceo qe lapele fut devenu apelour et auoyt apele certeyn gens en Loundres les quels il dit dussent estre trouez en Londres les Justices auoyent maunde<sup>25</sup> al vicounte de Loundres qil prendreit euls etc. et <sup>26</sup>le vicounte retorna<sup>27</sup> qil neo furent poynt trouez et qe ne furent nuls

<sup>1</sup> Note from *ℓ*. <sup>2</sup> Reported by *γγ*. *ζ*, *κ*, *ν*. Text from *γγ* collated with the others. <sup>3</sup> dit, *ζ*. <sup>4</sup> Jon, *κ*; Johan, *ν*. <sup>5-7</sup> oueske auters mesconuz, *ζ*. <sup>8-10</sup> altres, *κ*; aultres, *ν*. <sup>11</sup> mesconuz, *ν*. <sup>12</sup> roberunt, *κ*, *ν*. <sup>13-15</sup> occirunt, *κ*. <sup>16</sup> suerent, *ζ*, *ν*. <sup>17-18</sup> marked in the MS. for erasure. <sup>19-21</sup> il, *ζ*; laron, *κ*; laroun, *ν*. <sup>22</sup> *ν* adds lour. <sup>23-24</sup> *ζ* omits. <sup>25-26</sup> LES JUSTICES, *ζ*, *κ*. <sup>27</sup> *ζ* omits. <sup>28</sup> et, *κ*, *ν*. <sup>29-31</sup> *ζ* omits. <sup>32</sup> demande, *κ*. <sup>33-34</sup> les vicontes retornerent, *κ*. <sup>35</sup> maunda, *ζ*.



even though he afterwards obtain the King's pardon yet shall the King be awarded in Eyre the issues of the said lands etc. and the mesne issues.

Note that two traders had their goods in common. One of them detects thieves, and the other immediately makes pursuit and procures the thieves to be arrested; and at his suit were they hanged, notwithstanding that they turned approvers and appealed some others who had not been taken. And that trader that brought suit deraigned the goods that were the common property of the two of them as being held to his own use. And the Court ordered a general inquiry into all the circumstances to be made; and in reply to the question whether the thieves were taken at his suit and by the hue and cry which he raised answer was made that so it was. If a contrary answer had been given the goods would have remained to the King as being the forfeited goods of felons. And you must note that this trader did not find pledges until he came into court. And the judgment was that the appellee be hanged at the charges of the trader.

A trader sued an appeal of robbery against a man, and counted that he himself and another were traders in partnership, and that while he and his partner were journeying towards Dover upon a certain day there came this man together with another man unknown and robbed his partner of a horse and other things. And he laid the taking of each thing severally, and that they were the property of his partner upon such and such a day etc. The Justices asked the trader at whose suit the thief was taken, and he said that he was taken at the suit of a serving-man who was with his partner at the time, and was the common serving-man of them both. Seeing that it was at the suit of the serving-man who was with him at the time.

SPIGURNEL, ORMESBY AND MUTFORD, JJ. were of opinion that he was taken at the suit of the merchant after that he was taken at the suit of their common serving-man. And because the horse and the rest of the stolen goods were produced before the Justices, and because the thief was taken with the stolen property in his possession, the trader was asked what there was in the chest, and he said etc. The Justices examined the stolen goods, and they found them even as he had said. Whereupon the inquest was asked whether the appellee was taken at the suit of the serving-man, and whether the trader who was killed and he who was bringing this suit were partners in trading, as he stated; and the inquest said that it was so. And because the appellee had turned approver, and had appealed certain people in London, which people, he said, were to be found in London, the Justices sent word to the Sheriff of London to take them etc. And the Sheriff made return that they were not to be found, and that there were no such people within



tiels en sa baillie fut <sup>1</sup>dit a lapellour qil fut arene a la sute le marchant par<sup>1</sup> ORMESBY qe en tant son apel fut faus et le laron dit <sup>2</sup>qil serrount trouetz<sup>3</sup> en le Counte de Nichol<sup>4</sup> sil ne seyent trovez illoques.<sup>4</sup>

ORMESBY pur ceo qe vous auez vostre maneyte connu<sup>5</sup> devant nous il ne estoit pas de cel enquere E pur ceo qe nous trouoms vostre apel fauls ratiōne supradicta retreez vous de la barre. E pur ceo qe troue fut qe vous fustez marchaunz en comune eietz vos chateus.<sup>6</sup>

<sup>7</sup>Presente fust par une doreine qe ij homes fuerent presentes ou un home fust occis de quel chose il fuerent arreinez q<sup>i</sup> disoient qe il le virent par quei le un fist fin au roie pur ceo qil ne leva pas la mene et lautre passa quite pur ceo qil fust deins age.

<sup>7</sup>Nota quod coronator vel constabularius qui capit denarios vel valorem ad faciendum officium suum seu ad relaxandum aliquid quod ad eorum officia pertinet per consideracionem curie restituat dampna recepta et sunt in misericordia.

<sup>8</sup>Ostensum est justiciariis quod archiepiscopus Cantuariensis extrahi fecit quandam latronem ab ecclesia racione felonie quam prius fecit in aliam<sup>9</sup> ecclesiam. <sup>10</sup>Dietum fuit per justiciarios quod mors subitanda<sup>11</sup> debet vidi<sup>12</sup> per coronatorem.

<sup>13</sup>Nota qe chose adire ou perdu soit ele mort ou vive pust estre proue deinz lan et le jour e <sup>14</sup>apres demorer a<sup>15</sup> seigneur de hundred. <sup>15</sup>Mes choses waivez ne seront pas provez mes demorant au roie si ceux q<sup>i</sup> les waiverent ne pussent prober.<sup>15</sup>

<sup>16</sup>Presente fut qe certain iour an et lieu furrent plusours gentz qe geiverent al poeple saver J. K. R. et D. et autres et comencerent nomer chescun noun issint qe contek sourdi entre J. et W. issint qe J. ferrist W. sur la teste oue un bastoun et meynenant il morust et meintenant J. fuit a un R. son frere, et pur ceo les chateux forfetz al Roi et les jurours mescererent celly W. et il nest pas en pays. Et pur ceo seit il demande et vltiaie. Et les Jurours ne mescererent pas R. ne nul des

chateux des  
futius for-  
faits.

<sup>1</sup> avys a, κ. <sup>2</sup> qe sil ne furent pas trouez illoques qil se pount trouer, v. <sup>3</sup> Nothing, ζ; Not. ou il nasquerent, κ. <sup>4</sup> ou il naquirent etc., v. <sup>5</sup> v and ζ add devant les coroners q<sup>i</sup> cy sunt et portent record et parties. <sup>6</sup> v adds et sic nota qil auoit les chateaux ou il ne fuit t forsege marchaund en comune. <sup>7</sup> Note from θ. <sup>8</sup> Text from θ and κ. <sup>9</sup> Text from θ collated with κ. <sup>10</sup> unam, κ. <sup>11</sup> κ adds et. <sup>12</sup> subitaneo, κ. <sup>13</sup> velen, v. <sup>14</sup> Note from θ and κ. Text from θ collated with κ. <sup>15</sup> si ele ne soit proue deinz lan et le jour apres ele demoura au, κ. <sup>16</sup> κ κ omits. <sup>17</sup> Reported by θ only.



his bailiwick. And ORMESBY J. told this approver that he was arraigned at the suit of the trader, and that his own appeal was found to be a false one. And the thief said that the people would be found in the county of Lincoln if they were not to be found in London.

ORMESBY J. Seeing that you have made admission of your wickedness before us, the jury need not inquire into it. And as we find your appeal to be false, for the reasons above, get you gone from the bar. And [addressing the trader] since it is found that you were in partnership, take back your goods.

Presentment was made by a dozen that two men were present when a man was slain; and that being arraigned therefor they admitted that they saw this done; and for this one of the two made fine with the King because he had not raised the hue and cry, and the other went quit because he was under age.

Note that a coroner or a constable that takes money or reward for performing his office, or for omitting to do aught that it appertaineth to his office to do, will be ordered by the Court to restore what he hath so taken, and will remain in mercy.

It was reported to the Justices that the Archbishop of Canterbury had caused a certain thief to be taken from a church by reason of a felony which he had previously committed in another church. It was said by the Justices that one who had died suddenly should be viewed by the coroner.

Note that the ownership of aught that has strayed or that has been lost, be it dead or alive, can be proved within the year and the day, and after that time it remains to the lord of the hundred; but the ownership of things waived cannot be so proved, for waived things go to the King, unless those who waived them can prove that they waived them.

Presentment was made that upon a certain day and year and in a certain place were divers persons, girding at others, to wit, J., K., R., D. and others, and fell to calling them names, so that open quarrel broke out between J. and W.; and J. struck W.<sup>1</sup> upon the head with a bludgeon so that W. straightway died. And J. straightway fled to R. his brother; and for this his chattels are forfeit to the King; and the jurors suspect that same W., who is not to be found, therefore let him be exacted and outlawed. And the jurors do not suspect R. nor any of the others;

Forfeiture of  
successor's  
chattels.

<sup>1</sup> Apparently, from what follows, it was W. who struck and killed J.





autres mes pur ceo qe R. et les autres furent en la place et sunt en pays demourantz seint pris, et fut enquis si ceo fut en iour; dit fut qe oyl; demande fut ceo qe la pays fesoit, et il disoient qe le pays leua menee et ensuerent les felouns tange myt lour tollyt la suyte.

JUSTICE. En quel Burgh fut il assis?

Le .xij. En nul, mes il fut demourant en une tiele ville.

JUSTICE. Cele en la mercie, et sil ussent dit qil ust este en tiel Burgh, dount ust il estre amercie pur ceo qe la chose auient de jour et il ne pristerent pas.

Fut demande si englecherie fut presente.

Le .xij. Nanyl.

Ideo iudicium super Hundredo.

Les Jurours presentent les chateux. W. a .xx. s., et dount fut le trouour et les .iiij. veysins demandez. Puis demanda le clerk quel Corouner auoit ceste auenture, unde responderet qil auoit. Comande fut qil la lust et issint fesoient, et auoit sa auenture accordant de tut a lour presentement, forspris qe le Corouner auoit plus quant a les chateux assis a .v. s. en son Roule qe nauoit la .xij. Et pur ceo fut le .xij. en la mercy. Et dount dit le viconte as Justiz, Sire, nous auons en nostre gard R. qi fut en la place quant J. fut occis.

ORMESBY. Amenez ly a la barre, et dount fut il aresonne de la mort Johan, qi dit de rien coupable.

Pays dit qil ne fut pas coupable de la mort.

JUSTICE. Fait il en la place quaunt il fut occis?

Le .xij. Sire, oyl.

JUSTICE. Leua il la mene sur le feloun et suyt ly pour ly prendre?

Le .xij. Sire, nanyl, qar cely qi occist Johan fut son frere.

MUTTFORD. Sauoit il bien qil fut en la place qe Johan fut tuwe, en ceo cas dust il auer le menee sur son frere.

Le .xij. Sire, oyl.

JUSTICE. Fut il ouesqe son frere?

Le .xij. Sire, nanyl, il fut del une partie et son frere del autre partie.

MUTTFORD. R., pur ceo qe vous meistes vous en ceste bone gent qe vous ne futes my copable de la mort Johan, et il vous vnt acquite,



but seeing that R. and the others were present and are now at large within the country let them be taken. And inquiry was made if this happened in the day-time, and it was said that it did so happen. Then was it further asked what the people thereabouts did, and it was answered that they raised the hue and cry and pursued the felons until night stopped the pursuit.

JUSTICE. Of what borough was he ?

*The Twelve.* Of none, but he lived in such a town.

JUSTICE. Then is it in mercy ; and if it had been told us that he was of a borough, such borough would have been amerced, because though this matter happened in the day-time, they took no one.

A note  
touching  
escape.

Then was it asked if Englishry were presented.

*The Twelve.* No Englishry at all was presented.

Judgment, therefore, upon the hundred.

The jurors made presentment as to the chattels. W. has twenty shillings ; and in respect of this were the finder and the four neighbours called. Then the clerk asked what coroner had made inquisition concerning this misadventure, that he might answer on this point. He was bidden to read his record, and so he did ; and his record thereof was like in all points to the presentment of the twelve, saving that the coroner in his roll had assessed the chattels at five shillings more than the dozen had assessed them. And for this was the dozen in mercy. And then said the sheriff to the Justice, Sir, we have in our custody that R. that was on the spot when J. was slain.

ORMESBY J. Bring him to the bar. And then was he arraigned of the death of John ; and he said that he was guilty of naught.

The jury said that he was not guilty of the death of John.

JUSTICE. Was he on the spot when John was slain ?

*The Twelve.* Yes, sir.

JUSTICE. Did he raise hue and cry and follow him that he might take him ?

*The Twelve.* Nay, sir, that did he not ; for the man who slew John was this man's own brother.

MUTFORD J. Was he well aware that John had been slain there ; and, if so, do you say that he ought to have raised hue and cry against his own brother ?

*The Twelve.* Sir, we say yes.

JUSTICE. Was he with his brother ?

*The Twelve.* Nay, sir ; for he was of one party and his brother was of the other.

MUTFORD J. R., since you, declaring your innocence of the death of John and putting yourself upon these good people, have been by them



non pursuert  
de feloun

nous vous acquitons, mes pur ceo qe nous trouons qe vous fustes en la place quant J. fut occis, sachant ly estre occis, et ne leuastes my la mencee, ne ne pursuastes pas le feloun, demouretz en la garde le viconte tanqe vous eietz fet fine al Roy; et pur ceo qe vous fuistes vous (*sic*) chateux forfetz al Roi et furent prises par la .xij. a Thomas de Borne et Johan fitz Johan Watt .x. s., dount les vicontes respondrent.

<sup>1</sup> Nota si homme seit atteint de Roberie fet a seinte eglise a la sute le Roy nepurquant le persone del eglise de la quele la Roberie fut fete les bienz auera si les chalenge deuant Justices, et si noun il serrunt baillez al ordinarie del lieu a bailler a la persone quel heure qil les demande, sicom il auent en ceste Eyre de une Eglise qe un auoit emble de seinte eglise une towaille et autrez bienz.

Petit larcine

<sup>1</sup> Nota ou homme fut arreigne de une felounie qil auoit debruse une mesoun et enporte certeinz bienz et chateux, il se mist en pays. Pays vint et dit qe la mesoun fut debrusee et il entra la ou ele estoit debruse et enporta chateux a la vaillue de x. d. Fut demande des Justices com bien il auoit demoure en prisoun. Fut dit qe vne xv. Et fut auis as Justiz qe ceo ne fut my penaunce assetz pour le fet qil auoit fet, si le agardarent encor une semayne.

Conspiracy.

<sup>2</sup> Un J. de Lykyng persone fut endite de conspiracy et trespas qe ly et autres conspires furent. Et postea venerunt et finem fecerunt entre lez chescun de meintener autri en pris et prist dune part et dautre et ceo fut arescen et il mist auant la chartre le Roi qe voleit qil ly auoit pardone tute manere de conspiracie et trespas des quey il fut endite deuant les Justices Eyraunz etc.

STANTON. Nous veons bien qe le Roi vous ad pardone tote manere de conspiracy deuant la date de ceste chartre etc., pur quei nous ne volons pas a rescueur de ceo, mes nous trouons par presentement qe vous ensemble oue altres conspiratours auez procure la .xij.<sup>me</sup> de Rouk de conceler la bruserie du parc T. de Seint Leger qe un W. auez cy deuant nous en ceste Eyre fait puis la date de votre chartre, coment vous voillez de ceo acquiter? Il respondit qil se mettreit en bon pays, qe vient et dit qil fut coupable de ceo et des autres.

<sup>1</sup> Note from  $\delta$ .

<sup>2</sup> Reported by  $\delta$  only.



acquitted, we too acquit you : but seeing that we find that you were on the spot when John was killed, and that you knew he had been killed there, and yet raised not hue and cry, nor followed up the felon, you must remain in the custody of the Sheriff until you shall have made fine with the King. Furthermore, seeing that you fled, your goods are forfeit to the King. These were assessed by the twelve to Thomas Burn and John the son of John Watt at ten shillings, for which the Sheriff is answerable.

A felon not pursue l.

Note that if one be attainted at the suit of the King of a robbery done to Holy Church, yet shall the parson of the church which was robbed have the goods if he claim them before the Justices ; and, if he claim them not, they shall be given up to the Ordinary of the place that he may deliver them to the parson when he shall claim them. And this was done during this Eyre in a case where an altar-cloth and other goods, the property of Holy Church, had been stolen from a certain church.

Note that a man was arraigned for felony, in that he had broken into a house and had carried away certain goods, and he put himself upon the country. The country came and said that the house had been so broken, and that this man had entered where he had so broken it, and had carried away chattels to the value of ten pence. The Justices asked how long he had been in prison, and it was said for a fortnight. And the Justices considered that this was not punishment enough for what he had done, and so they said he must stay there for yet another week.

Petty larceny.

One J. of Lykyng that was a parson was indicted for conspiracy and trespass, and for that he and others had conspired together to maintain one another mutually in all their doings. And this J. was arraigned, and he put forward a charter of the King, wherein the King said that he had pardoned this J. all manner of conspiracy and trespass of which he had been indicted before the Justices in Eyre.

Conspiracy.

STAUNTON J. We see it plainly set out here that the King has pardoned you all manner of conspiracy of which you were guilty before the date of this charter, and therefore in respect of such we shall not call upon you for further answer ; but presentment has been made to us that you, together with other conspirators, procured the dozen of Ruxley to conceal from us here in this Eyre that one W. had broken into the park of T. St. Leger, and this since the date of your charter. How will you acquit yourself of this ? He answered that he would put himself on a jury ; and the jury came and said that he was guilty of this and of other matters.





ORMESBY. Pur ceo qe vous auez fait ceste conspiracie vers le Roy en destrubance qil ne put auer ceo qil auer deit, pur quei verite et droiture est esteint, si vous agardoms a la prisoun.

<sup>1</sup>[Quidam indictatus]<sup>2</sup> fuit quod recetavit quemdam probatorem scienter qui dixit alias coram certis Justiciariis predicta feloniam acquietatus fuit et inde vocavit ad warrantum recordam rotulorum. Scrutatis inde rotulis in eisdem non inveniebatur, cum admissus fuit ponendum se super patriam et hoc de Juratorum favore.

<sup>3</sup>Nota quod sectatores cujusdam hundredi allocuti fuerunt de quodam latrone suspenso pro quodam latrocinio facto extra jurisdictionem suam, qui dixerunt quod venire debuit ad curiam Abbatis sancti Augustini de N., quando latro captus fuit cum manu opere, et dicitur quod ballivus per eos potest inquisitionem facere, set ballivus debet iudicium reddere.

STAUNTONE. Hoc est contra jus comune.

Hle. Hoc est factum vestrum est iudicare.

STAUNTONE. Vestrum est iura allegare et ea prosequi. Et postea Justiciarii ceperunt inquisitionem de omnibus duodenis super premissis, qui dicunt quod sectatores debent reddere iudicia, ideo omnes sectatores ad iudicium. Et Nota si le baillif vste en vie et vst este atteint qil rendy le iugement memes il vst este pendu.

<sup>3</sup> Nota quod quidam convictus fuit quod retinuit truveriam, scilicet iiij. coeliaria argentea ideo ad prisonam quia non ostendit ballivis quod si dominus non veniat qui probare possit debet confiscari.

#### Note from Eyre Roll.

De thesauris inventis [jurati] dicunt quod Johannes Hende cum fodisset in terra sua invenit quatuor Coclearea argentea precii trium solidorum et quatuor denariorum. Et dicunt quod Johannes de Lewes tunc ballivus [sc. of the hundred of Alouesbrigg] imposuit prefato Johanni Hende quod debuit invenisse aliud thesaurum et ipsum ea occasione arestavit et arestatum detinuit quousque fecisset finem cum eodem Johanne de Lewes pro xx. s. Ideo preceptum est Vicecomiti quod venire faciat predictus Johannem et Johannem etc. Postea venit predictus Johannes Hende et dicit quod nulla Coclearea nec aliquid aliud thesaurum invenit sicut presentatum et

<sup>3</sup> Nota quedam mulier occidit virum suum felone et fugit. Ideo omnia bona et catalla que inuenta fuerunt in domo et extra vt de blado confiscabantur.

<sup>1</sup> Reported by KK only. Earlier portion is missing.

<sup>2</sup> The MS. commences abruptly with *fuit*. The Note from KK.



ORMESBY J. Seeing that you planned this conspiracy against the King to the end that he should not have that which he ought to have, to the perversion of truth and justice, we commit you to prison.

A certain one was indicted for that he had knowingly received a certain approver, and he said that elsewhere before certain Justices he had been acquitted of such felony, and he vouched to warranty the record of the rolls. And when these rolls were searched and naught thereof could be found therein, he was allowed, by favour of the jurors, to put himself upon the country.

Note that the suitors of a certain hundred were charged in the matter of a certain thief that had been hanged for a larceny done outside their jurisdiction. They said that when a thief was taken having stolen property in his possession he ought to be brought before the court of the Abbot of St. Augustine at N., and that the bailiff can make inquisition through them, but that he himself ought to deliver judgment.

STAUNTON J. That is contrary to the common law.

Hede. I am telling you the facts. It is for you to judge them.

STAUNTON J. It is for you to allege breach of some definite law and to prove your case. And afterwards the Justices made inquisition by all the dozens as to the premises, and they say that the suitors ought to give judgment. So to judgment of all these suitors. And note that if the bailiff had been alive and had been convicted of having given this same judgment he would have been hanged.

Note that a certain one was convicted for that he had kept four silver spoons which he had found. So to prison with him, because he showed it not to the bailiff. If no one can give proof of ownership the goods are to be confiscated.

#### Note from Eyre Roll—continued.

hoc petit quod inquiratur. Et jurat Henric quod per Petrus Johannes de Henric inventi proditi. Qui non prodiit illi sicut proditum est. Item idem Johannes cust. Hatur. Et proditi al. s. remanent domino Regi und viccomes respondet. Postea venit proditus Johannes de Henric et fecit sibi pro proditi transgressione pro. super pignum Roberti Moys et Willielm Beauchamp etc.

Note that a certain woman feloniously slew her husband and died: wherefore all goods and chattels that were found within the house or without it, such as growing crops, were confiscated.



<sup>1</sup> Ubi presentatum fuit quod aliquis ingressus est feodum Regis vel liberam garrenam vel libertatem post proximum iter quamuis xij. testati sint quod juste tunc venire debent per vicecomitem ad respondendum quo jure clamunt, si per cartam Regis, capitalis clericus habebit dimidiam marcam pro feodo.

<sup>1</sup> Quedam mulier machinata qualiter caute et marito suo superare poterat adiuit quandam ecclesiam et dixit se feloniam comisisse et petiit quod possit abjurare regnum, maritus suus hoc percipiens adiuit ad eam ut colloqueretur cum ea in exeuendo cimiterium quidam Burgheshald cum Burgo illum cepit et detinuit et permisit ipsum exire et tamen in isto casu hundredus non fuit americiatus pro evasione.

<sup>2</sup> Presentatum fuit quod quidam coronator cepit superiorem pannum ipsius defuncti occisi, ideo ad iudicium de eo.<sup>3</sup>

<sup>1</sup> Presentatum fuit quod quidam captus per suspencionem cum quodam manu opere in quadam libertate que habet Infangenthef quod quidem manu opus liberavit sequentibus et quia latrocinium factum fuit extra jurisdictionem et procedebat ad iudicium felonis non capti ad sectam ejus post iudicium redditum liberare bona sequentibus pro istis .iiij. sectatoribus ad iudicium Regis super hundredum, et quia balliuis libertatis non tenuit curiam suam infra tres dies proxime sequentes, ipse ad iudicium.

<sup>1</sup> Presentatum fuit quod quidam feloniam comisit apud le Blee in comitatu isto et quod idem felo captus fuit et detentus in libertate quinque portuum propter quod Justiciarii mittebant post ipsum quia felonia facta fuit extra eorum libertatem.

<sup>1</sup> Quidam molendarii qui custodiam habuit de prisoa in qua quidem prisoa quidam priso obiit et sepultus fuit cum visu coronatoris etc. Molendariorum custodum predictorum qui superstes est attachatur ad veniendum responsurum etc.<sup>4</sup> Et dictum fuit per Rogerum de Ettoun, balliium libertatis quod illi custodes tenuerunt duos molendinos per serianciam ad custodiendum prisoas, ideo preceptum est etc.

<sup>1</sup> Reported by xx only. <sup>2</sup> Note from xx. <sup>3</sup> x subsequently gives a report of a case in which this incident happened. See p. 156, infra. <sup>4</sup> The text is hopelessly ungrammatical, but the sense appears to be as given opposite.



When anyone is presented as having entered upon a fee of the King, or a free warren or liberty, since the last Eyre, even though the twelve testify that such entry was justly made, yet ought such an one to appear by the Sheriff to show by what warrant he claims to have such entry; and, if it be by charter of the King, then the chief clerk shall have half a mark for his fee.

A certain woman made her plans carefully and outwitted her husband and went to a certain church where she confessed that she had committed felony and sought to be allowed to abjure the realm. Her husband, upon discovering this, went after her that he might speak with her; and him, as he was leaving the churchyard the Borsholder, together with them of the borough, took and detained; yet the Borsholder permitted him afterwards to go away. Notwithstanding this, the hundred was not in this case amerced for an escape.

Presentment was made that a certain coroner took the upper garment<sup>1</sup> from off the body of one who had been killed; so to judgment of him.

Presentment was made that within a certain liberty that has Infangthief a certain man was taken on suspicion, having stolen property in his possession, which stolen property he delivered to the suitors; and because, though the larceny was committed outside the jurisdiction, the court of the liberty nevertheless proceeded to judgment of a felon who had not been taken at its suit; and, after judgment given, had delivered the stolen goods to those who prosecuted on behalf of the four who brought suit for them: therefore the King shall have judgment against the hundred, and the bailiff of the franchise is under judgment for not having held his court within the three next following days.

Presentment was made that a certain man committed a felony at Bleane, within the county, and that this same felon was taken and detained within the liberty of the Cinque Ports; wherefore the Justices sent to have him brought here, as the felony had not been committed within that liberty.

Certain millers had the custody of a prison within which a certain prisoner died, and was buried, after view of the coroner etc. The survivor of the aforesaid mill-gaolers is attached to come and answer etc. And it was said by Roger of Eton, that was the bailiff of the liberty, that those millers held two mills by the serjeanty of keeping prisoners. Therefore order is made etc.

<sup>1</sup> The upper garment was the fee due to the usher from such as did homage in Bench. "De hiis qui faciunt homa-  
gium in Banco de superiori panno sint contenti." Statute of Westminster, II. c. 44. *Statutes of the Realm*, i. 93.





<sup>1</sup> Presentatum fuit quod quidam felo captus cum manu opere ad sectam cujusdam in quadam libertate et super hoc allocutus, et super hoc venit ordinarius et petit eum liberari sibi tanquam clericum, qui liberatus fuit ei. Ideo preceptum est vicecomiti qui venire faciat sectatores etc. et est ratio quia in tali casu debent misisse ipsum ad gaolam.

<sup>1</sup> Si un laroun soit pris oue meinoure et le laron die qil est clerc tut vigne ordinarie et le demande il ne purra pas liuerer cest asauoir les seuters einz lui maundirent a la proscheine gaole le Roi, qar court de fraunk home ne porte pas record en tels pointz. E estre ceo si laroun pris oue meniore en fraunchise etc. a seute de partie vousist voucher a garrant del mainoure la court ne sutira point pur ceo qil nount pas pouer de receiure soun voucher etc. qar si le voucher fust suffert lappel celui qi seureit abatereit pur ceo qil suppose par soun appel qil meme fist larcin etc.: E estre ceo il perdrait les chateux trouez en la main le laroun pur ceo qil suppose par souffrance del voucher qe celui ne fust laroun qe fust pris a sa seute etc. mes en ceo cas sil ne voet mettre einz tenir a soun voucher il serra mande a la proscheine gaole oue la mainoure, et si le laroun en fraunchise voille conustre a seute de partie qil embla la mainoure oue lui troue la court ne lui receuera pas pur ceo qe la court fine cunge de quere et les quist.<sup>2</sup>

SPIGURNEL. Vous ne serret receu a dereyner etc. qar la partie suyst a derener ses biens etc. et ne mye tauntsolement a prendre etc. et sil nust en nul mainoure il eust este receu al dercine etc. qar sil puist estre receu etc. issint purreit home embler mon palefrey et dire encountro mey etc. et tendre la dereine etc. et issi couendreit qe ieo combatisse etc. qe serreit duresse, ideo etc.

<sup>1</sup> Un enfaunt de xvij. aunuz fust arene de felonie a la seute le Roi qi sei myst etc. ou troue fust qil fust coupable.

SPIGURNEL. Un enfaunt de xj. aunuz denant moy fust troue qil auoit emble certain biens et occise un enfaunt et musse en un curtilage desouz chous et pur ceo qe sa malice fust sy heinouse qil occist et

<sup>1</sup> Reported by KK only.

<sup>2</sup> See *Introduction*, p. xcvii.



Presentment was made that a certain felon was taken with stolen property in his possession at the suit of a certain one in a certain liberty, and was charged upon the facts. Thereupon comes the Ordinary and claims to have him delivered to him as a clerk. And the man was delivered to him. So the Sheriff is charged to have those suitors here etc. And the reason is that in such circumstances they ought to have sent the man to gaol.

If a thief be taken having stolen property in his possession and say that he is a clerk; then, though the Ordinary come and claim him, yet shall he not have deliverance of him, because the suitors must needs send him to the nearest King's prison, seeing that a franchise court beareth not record of such matters. And again, if a thief be taken within a franchise, at the suit of the wronged party, having stolen property in his possession, and if he offer to vouch to warranty of the goods found in his possession, the court must not allow him to do so, for it has no authority to receive his voucher etc. For if the voucher were accepted the appeal of the plaintiff would be thereby abated, as by such appeal he supposes that the appellee himself stole the goods etc. And, besides this, the appellor would lose the goods that were found in the possession of the thief; because, by admitting the voucher, he also admits that the appellee is not a thief taken at his suit etc. And in this case if the thief will not put himself upon a jury, but insists upon his voucher, he shall be sent to the nearest gaol with the goods found in his possession. And if the thief taken in a franchise be willing to confess at the suit of the plaintiff that he stole the goods found in his possession, the court shall not receive him to do so, seeing that such court has neither jurisdiction to inquire nor to acquit [?].

SPIGURNEL J. You will not be allowed to deraign etc., for the plaintiff is seeking to deraign etc. and not only to take etc. But if the thief had not had the stolen goods in his possession when taken he would have been received to deraign etc., for if in these present circumstances he could be received to etc. then a man might steal my horse and contradict me etc. and tender to deraign etc. so that I should be compelled to combat, which would be a hardship, therefore etc.

A lad of eighteen years of age was arraigned of felony at the suit of the King. He put himself etc. and was found guilty.

SPIGURNEL J. A lad of eleven was once found guilty before me of having stolen certain chattels and of having killed a child. Now he carried the dead body of the child into a close, and hid it under some cabbages; and the fact that, after having killed the child, he



pus mussa dampne auxi pardecea la ou lenfaunt fait la felonie par soun enter de gre saunz assent de ces parentz en ceo cas il portera Juyse.

<sup>1</sup> Nota qen appel roberie par la ou lappele chalange lappel et prie allouance de tote chalenge sil soit clerk et sei mettre en pais sauue sa clergie sa clergie ne lui serra pas sauue sil ne voille weiuer ces chalenges.

Casus.

<sup>2</sup> Un William<sup>3</sup> fut endite qil dust auer emble iij<sup>xx</sup> berbiz de 'un Jon;<sup>4</sup> il fut<sup>5</sup> mayntenaunt pris<sup>6</sup> apres lenditement; 'il auoit un<sup>7</sup> Wauter qy sauoit de la felonie, 'et enchaca de les berbiz de cely William, e il fut<sup>8</sup> endite et<sup>9</sup> vynt deuaunt les justices e il ne 'uoleynt poynt areyner auaunt ceo qe le principal fut attaynt par utlagerie ou autrement; et fut comaunde a la prisone etc.<sup>10</sup>

Casus.

<sup>11</sup> Wauter Tyk fut endite de diuerses roberies et de la mort un Thomas, et fut areyne par Justices de cest felonie. Il dit qe il fut clerk, et qe il ne pout respondre saunz ses ordiners. Le ordiner ly demanda com meumbre de seynt Eglise; lenqueste de office est pris si il est copable ou ne mie. Troue est par veredit del enqueste qe il est cupable. Dit serra al ordiner qe il prenge en pcytle qe a ly apent e le mette en prisone le Eueske, et qe il ne seit deliuers saunz due purgacion. En ceo cas le roy auera ses chateux e sil eit terre le roy auera les profites tanqe il demurt en prisone. Et si il auera fet sa purgacion, il auera bref en la chauncellerie de auer sa terre et ses chateux.

Casus.

<sup>11</sup> Un Robert fut endite qil dut auer fet burglary de une meson e auer enporte .xx. li. de argent: Il dit qe il fut clerk, e qe il ne pout respondre saunz ses ordiners. Les justices dirra al ordiner qe il ly demande ou il fut ordine, et sil eit lettres de ordeynement, non obstante ceo le ordiner ly demande com membre de seynt eglise; lenqueste pris sil fut cupable ou ne mie; troue fut par veredit de enqueste qe il est cupable, e le ordiner uoleit auer eu le clerk a la prisone le eueske. Dunk dit ORMESBY qe il fut endite de altres felonies des queux il couendrunt qe il fust areyne, et fut comaunde a la prisone le roy par le justices cy la qe il fut areyne des altres felonies.

Casus.

<sup>11</sup> Item presentatum est quod Johannes Hartres fuit arestatum in

<sup>1</sup> Note from KK.      <sup>2</sup> Reported by K and V. Text from K collated with V.  
<sup>2-3</sup> Willelmus de C. v.      <sup>4-5</sup> J., i.      <sup>5</sup> fuit, v.      <sup>6</sup> v omits.      <sup>7-8</sup> un autre, v.  
<sup>8-9</sup> achata de lez berbiz de celui qe fuist, i.      <sup>9</sup> v omits.      <sup>10-11</sup> lui volent pas  
 arrener avant ceo qils lez principaulz turent atteinz par utlagerie ou en autre mes  
 fuist remaunde a la prisone, v.      <sup>11</sup> Reported by K only



also hid its body was taken as evidence of his heinous malice, and he was condemned. So in this case, this lad has committed this felony entirely of his own conception, without any suggestion from his parents ; and he must suffer judgment.

Note that in an appeal of robbery where the appellee takes objections to the form of the appeal, and therefor prays abatement of the appeal, if such appellee be a clerk and, putting himself on the country, yet saves his clergy, he shall not be allowed to save his clergy unless he be willing to waive his objections.

One William was indicted for having stolen four score sheep from one John. He was taken forthwith after indictment made. Now there was one Walter that wot of the felony and bought some of these sheep from William. So this Walter was indicted, and came before the Justices and would not plead till the principal should have been attainted either by outlawry or in some other wise. So he was committed to prison etc. Crown Plea.

Walter Tyk was indicted for divers robberies, and further for the death of one Thomas ; and for this latter felony he was arraigned before the Justices. He said that he was a clerk, and could not answer without his Ordinaries. The Ordinary claimed him as Holy Church's man. Thereupon is the prescribed inquest taken as to whether he be guilty or no. By the verdict of the inquest he is found guilty. The Ordinary is told to take him at the peril thereto appurtenant and to put him in the Bishop's prison, and see that he be not delivered thence without due purgation. In this case the King shall have his chattels, and if he have land the King shall have the profits of this also so long as he remain in prison. And if he shall have made his purgation he shall have a writ from the Chancery to recover his land and chattels. Crown Plea.

A certain Robert was indicted for having committed burglary of a house and for having carried away therefrom the sum of twenty pounds in silver. He said that he was a clerk, and that he could not answer without his Ordinaries. The Justices must ask the Ordinary who claims him where he was ordained, and if he have letters of orders ; notwithstanding that the Ordinary claims him as a clerk. The inquest taken to find whether he was guilty or no found by verdict that he was guilty ; and the Ordinary sought to take the clerk to the Bishop's prison : It was said, however, by ORMESBY J. that he was indicted for other felonies, and of these he must be arraigned ; and so THE JUSTICES committed him to the King's prison until he should be arraigned of the other felonies. Crown Plea.

Presentment was also made that John Hart was arrested in a Crown Plea.





Burgh pro suspicione latrocinii et traditus cuidam Thome clerico de Lindestede in custodia, qui cum custodiuit per unam horam diei et postea eum abire permisit, retinendo versus eum unum pannum unum lintheamen precii .xviij. s. inuento cum predicto Johanne. Ideo preceptum est vicecomiti quod venire faciat predictum Thomam.

Cassa.

<sup>1</sup> Thomas filius Alexandri le Brewere de Newenham simul cum aliis hominibus ignotis obviaverunt Simoni seruianti Thome de Belhouse in Burgha de Tenham in regia strata que vocatur Keystrete et ibidem mota contencione inter eos predictum Simonem insultauit et uulnerauit ita quod in proxima nocte obiit etc. et statim post factum fugit et male creditur. Ideo exigatur et utlagetur, nulla engleceria presentata. Iudicium murdrum super hundredo. Tres vicini veniunt et non male creduntur, et quartus vicinus obiit, et villata de Tenham non fecit sectam, ideo ipsi in misericordia. Et quia Johannes de Ovene coronator cepit superiorem pannum etc. ideo ipse in misericordia.

Nota de  
Corona.

<sup>2</sup> Une dozeyne presentent qe un home vynt nutaundre et entra en le Gardyn son veysin a force et en coudre la pees et en porta mereyne etc. mes il ne debrusa nul haye. Fut dit par lez Justices qil auoient lour recouerer ala comune ley par bref de trespas ou bille sil se vodra pleyndre et ne firent autre chose en droit de ceo forsque pur ceo qe fut auis a euls qe ceo ne fut forsque un trespas et noun pas felonie.

Corona.

<sup>3</sup> Un Johan de S. fut<sup>4</sup> arene<sup>5</sup> de la mort un prestre<sup>6</sup> deuant un Justice assignez<sup>7</sup> ou il se myst de bien et de mal ou<sup>8</sup> couls de<sup>10</sup> lenqueste<sup>11</sup> disoient qe le prestre vynt a la meson S. et debrusa<sup>12</sup> une fenestre de une chaumbre et entra a la fenestre et vynt eynz et voleit auer couche la femme Johan a force pur quei ele leua une crye issint qe son baroun tresout en<sup>13</sup> la chaumbre ou une Gyserme<sup>14</sup> etc. et le prestre meyntenant<sup>15</sup> quant ly vist saka hors<sup>16</sup> un espee et ly angela<sup>17</sup> issi qil ne poast eschaper pur que Johan corust sur ly et luy ferist oue le poynt del Gysarme<sup>18</sup> en le mamele seneestre et ly occist et disoient qe Johan de S. ne poast en autre manere auer eschape<sup>19</sup> pur quei Johan fut comande a la prisone datendre la grace le Roy et pus auoyt la chartre le Roy e

<sup>1</sup> Reported by  $\kappa$  only. Proper names from E. R. <sup>2</sup> Reported by  $\gamma\gamma$ ,  $\theta$ . Text from  $\gamma\gamma$ . <sup>3</sup> Reported by  $\gamma\gamma$ ,  $\zeta$ ,  $\kappa$ . Text from  $\gamma\gamma$  collated with  $\zeta$  and  $\kappa$ . <sup>4</sup> si fust,  $\kappa$ . <sup>5</sup>  $\kappa$  adds devant justices. <sup>6</sup> chapellain,  $\zeta$ . <sup>6-7</sup>  $\kappa$  omits. <sup>7-10</sup>  $\zeta$  omits. <sup>9</sup> en,  $\kappa$ . <sup>11</sup>  $\kappa$  adds qy. <sup>12</sup> debursa,  $\zeta$ . <sup>13</sup> et entra,  $\zeta$ . <sup>14</sup> Gysarme en sa meyne,  $\kappa$ . <sup>15</sup>  $\zeta$  omits. <sup>16</sup>  $\kappa$  omits. <sup>17</sup> angula en un angle,  $\zeta$ ;  $\kappa$  adds en une angle. <sup>18</sup> Gysarme,  $\kappa$ . <sup>19</sup>  $\kappa$  adds la mort, et diseynt qe le prestre vynt la par encheson de auer coche la femme Jon.



borough on suspicion of larceny, and that he was given into the custody of one Thomas of Lynsted, a clerk, who kept him in his custody for the space of one hour during the day-time, and afterwards permitted him to go away, yet detaining a piece of cloth and a sheet, of the value of eight shillings, found in the possession of the aforesaid John. So charge is given to the Sheriff that he have here the aforesaid Thomas.

Thomas the son of Alexander Brewer of Newnham together with other persons unknown met Simon that was the serving-man of Thomas Bellhouse in the borough of Tenham, upon the King's highway therein known as Key Street : and there, during a quarrel which broke out amongst them, assaulted and wounded the said Simon, so that on the night following he died etc. And, after so doing, the said Thomas straightway fled, and he is suspected. So it is ordered that he be exacted and outlawed. Englishry was not presented, and so judgment of murder against the hundred. Three neighbours come and are not suspected. The fourth neighbour is dead. The town of Tenham did not make suit, and is in mercy. And because John of Ovene, the coroner, took the upper garment, he too is in mercy.

Crown Plea.

Note as to coroner.

A dozen presented that a man went by night and made forcible entry into the close of his neighbour against the peace, and carried away timber, etc., but that he broke down no fence. It was said by THE JUSTICES that the injured party had his remedy at common law, either by a writ of trespass, or by bill of complaint, if he preferred that course. And they did naught further in the matter, because they considered that it amounted only to a trespass, and was not a felony.

One John of S. was arraigned before a Justice for such purpose assigned for the death of a priest, and he put himself for good and evil upon a jury ; and those who were of the inquest said that the priest went to the house of S., and there broke the window of a bedroom and entered thereby and went inside the room, and would have lain with the wife of John by force. Whereupon she screamed so loudly that her husband rushed into the bedroom with a gyserme etc., and the priest, as soon as he saw the said John, drew out a sword and cornered the said J. so that he could not escape. Wherefore John rushed upon him and struck him upon the left breast with the point of the gyserme and killed him ; and the jurors said that in no other way could he have escaped. Therefore John is remitted to gaol to await the King's grace. And afterwards he had a charter of pardon from the King. But

Crown Plea.



pus apres quant il auoit la chartre le roy v. aunz auant le Eyre de Kente & pur ceo qe touz felonies deyuent estre presentez etc. faites pus le dereyn Eyre etc. ceste felonie fut presente. Jon pris de rechief et amene deuant Justices Sire William de Ormesby et Sir Johan de Mutford et quant il fut arene il dit qe autre fetz fut arene de mesme la felonie ou troue fut *ut prius* E coment le Roy pus luy auoit pardone par sa chartre et dit qil nentendit pas qe l'autre fetz<sup>1</sup> etc. <sup>2</sup>luy fut dit qil couendreit qil se prist tut a la chartre ou tut al record et il se prist tut a la chartre<sup>3</sup> pur quei fut solempnement crie si nul home vodra suere deuers ly de la mort le prestre et quant ceo fut solennement demande pur ceo qe nul home<sup>3</sup> vynt pur suivre il fut deliuer.

De Corona.

<sup>4</sup>Un Thomas de Sartouns<sup>5</sup> fut endite de ceo qil dut auer <sup>6</sup>enpoyson<sup>6</sup> son piere demande luy fut coment il se voleit acquiter et il dit qil fust clerck & sauue sa clergie il se myst en pays le ordynare ly bailla le liure et il lust vij vers.<sup>7</sup>

SPYGURNEL le quel volez vous prendre a vostre clergie ou al pays<sup>8</sup> prenetz vous al un ou al autre eliset<sup>9</sup> qar vous nauerez amedeuz il se myst en pays, saver <sup>10</sup>en le<sup>10</sup> hundred la ou <sup>11</sup>le fait <sup>12</sup>dust auer este<sup>13</sup> fait les queuls ly acquiterent fut demande sil fuit poynt<sup>14</sup> pus lenditement ou denant pur le dout qil auoyt de ceo fet dit fut qe noun pur quei agarde fut qil alat quites <sup>15</sup>& habuit catalla &c.<sup>15</sup>

17 Consuetudo  
Kancie :  
18 Quo casu  
Rex habebit  
annum et  
wastum et  
quo non 19

<sup>16</sup>Un Johan Tabard fut endite etc. le quel fut arane et se myst en pais et fut dampne et ces chateux <sup>20</sup>prisetz et deliueriez au vicounte a respondre<sup>20</sup> au Roy <sup>21</sup>del pris<sup>21</sup> demande fut de la xij si le Roy auoyt lan et le wast et il disoient qe par les usages de Gauelkend<sup>22</sup> Sothe<sup>23</sup> fadre tothe<sup>24</sup> bouwe<sup>25</sup> sothe<sup>23</sup> sone tothe<sup>24</sup> plouwe<sup>26</sup> mes la ou <sup>27</sup>le piere<sup>27</sup> est utlage ou ad foriure la Reaume le Roy auera <sup>28</sup>le chief etc.<sup>28</sup>

De Corona

<sup>29</sup>Une femme fut endite qe ele auoit emble larcenousement une sake un forcer <sup>30</sup>liij lynceles<sup>31</sup> etc.<sup>32</sup> et fut amene deuant Justices etc. et les biens ove ly dount ele estoit endite et fut arene <sup>33</sup>et demande la fut<sup>34</sup>

<sup>1-1</sup> autre foiz. ζ. <sup>2-2</sup> ζ omits. <sup>3</sup> alme, κ. <sup>4</sup> Reported by γγ, ζ, κ, ν. Text from γγ, collated with the others. <sup>5</sup> Scartons, ζ; Starton, κ; S., ν. <sup>6-6</sup> from κ. The other texts have *in prison*. E. R. records a case of a man charged with poisoning his father, but has nothing about a man imprisoning his father. <sup>7-7</sup> ζ omits. <sup>8</sup> κ adds *coivent qe*. <sup>9</sup> ζ omits. <sup>10-10</sup> la xij del. κ. <sup>11-11</sup> il fut, ν. <sup>12-12</sup> fut, κ; ζ omits. <sup>13</sup> κ omits. <sup>14-14</sup> from ζ; etc., γγ. <sup>15</sup> Reported by γγ, ζ, κ, ν. Text from γγ collated with the others. <sup>16-16</sup> from γγ. <sup>17-17</sup> forfetz, κ. <sup>18-18</sup> κ omits. <sup>19</sup> Gavelkingk, ζ. <sup>20</sup> Sco the, ζ; so the, κ. <sup>21</sup> to the, κ. <sup>22</sup> bowhe, ζ. <sup>23</sup> ploghe, ζ. <sup>24-24</sup> il, ν. <sup>25-25</sup> eschete, ζ, κ; leschete, ν. <sup>26</sup> Reported by γγ, ζ, κ, ν. Text from γγ collated with the others. <sup>27-27</sup> ν omits. <sup>28</sup> lintheus, ζ; lynceux, κ. <sup>29</sup> et autres choses, ζ. <sup>30-30</sup> ζ omits. <sup>31</sup> Justice, κ.



notwithstanding that he had this charter of pardon from the King five years before the beginning of the Eyre of Kent, yet since all felonies must be presented etc. committed since the last Eyre etc. this felony was presented. John is taken again and brought before SIR WILLIAM ORMESBY AND SIR JOHN MUTEFORD JJ., and when he was arraigned he said that at other time he was arraigned of this same felony, when it was found as above: and he told how the King had pardoned him by his charter, and he said he could not understand how again etc.; but he was told that he must plead either his charter solely, or the record solely. He abided by the charter solely; and so solemn cry was made that if any would sue him for the death of the priest he should come forward; and when this had been cried in due form and none came forward to sue him, he was discharged.

One Thomas of Sarre was indicted for that he had poisoned his father. He was asked how he would acquit himself, and he said that he was a clerk, but that, saving his clergy, he put himself on the country. The Ordinary handed him the Book and he read two verses therein.

Crown Plea.

SPIGURNEL J. Will you hold by your clergy or go to the jury? You must make your election of one or the other, for you cannot have both. And he put himself upon the country, that is to say upon the hundred wherein the facts alleged against him happened; and they acquitted him. Then was inquiry made whether he had not, by reason of the doubts which he felt in respect of what he had done, fled, either before indictment or after it. And it was said that he had not. And so the Court ordered that he go quit. And he had his chattels etc.

One John Tabard was indicted etc. And he was arraigned, and he put himself on the country, and he was condemned, and his chattels were appraised and delivered to the Sheriff, who was made responsible to the King for the value of them. Then was question put to the dozen whether the King had the year and waste; and they said that by the custom of Gavelkind 'the father to the bough, the son to the plough'; but where the father has been outlawed or has abjured the realm the King shall have the escheat etc.

Custom of  
Kent. In  
what case  
the King  
shall have  
the year and  
waste, and  
in what not.

A woman was indicted for that she had larcenously stolen a bag, a box, four sheets etc., and she was brought before the Justices etc., together with the goods in respect of which she was indicted; and she was arraigned; and, being asked how she would acquit herself, she put

Crown Plea.





coment ele se voleit acquiter et ele se myst en pays <sup>1</sup>pays vynt et la aquita<sup>2</sup> pur quei fut comente par le Justices <sup>3</sup>aple alast quites<sup>4</sup> mes les chateux dont ele fut enlite furent fories<sup>5</sup> par la xij et lincouze al vicounte de respondre al Roy del pris pur ceo q'il avoit mal homme q'il suvit vers la femme et ele ne clama proprete pur quei ut supra demande fut par les Justices de la xij si ele fut enques quant lendite<sup>6</sup>ment ou pus pour doute de estre enlite & il disoient qe noun par quei les chateux ne furent pas fories au Roy mes si ele ust fuy les chateux eussent este forfetes<sup>7</sup> quia catalla pro fuga confiscantur &c.<sup>8</sup>

De corona

<sup>9</sup>Un Walter<sup>10</sup> fut endite de diuers roberies et larcines q'il vynt devant Justices et fut arene et demande ly fut coment il se voleit acquiter il se myst en bon<sup>11</sup> pays en l'xij del Hundred ou il nasquit<sup>12</sup> fut par les Justices q'il couendreit auer les xij del Hundred la ou <sup>13</sup>le fait<sup>14</sup> fut fait et il pria q'il pout auer la moyte del Hundred ou le fait<sup>15</sup> etc. et l'autre moyte del Hundred la ou il nasquit<sup>16</sup> grante ly fut par les Justices pays ly aquita<sup>17</sup> pur quei fut agarde q'il alast quites.

<sup>18</sup>La ou un homme fust endit<sup>19</sup> a la seute de partie et la partie ne suit poynt il serra pris et fraignu au Roy etc.<sup>20</sup> ses pleges serrent encreiez et lendite irra quites a sa sute mes il serra arene a la seute le Roy mes sil seyt<sup>21</sup> endite par enqueste deuant<sup>22</sup> qe ceo seyt, il ne<sup>23</sup> serrent prises.<sup>24</sup>

De corona

<sup>25</sup>Un William fut enlite de la mort d'un Johan<sup>26</sup> il se myst en pays de bien et de mal vynt la xij et dit q'il fust copable<sup>27</sup> par quei il fut dampne demande<sup>28</sup> serra<sup>29</sup> de ces chateux et <sup>30</sup>de son francfee<sup>31</sup> et pus <sup>32</sup>serra demande<sup>33</sup> de la xij q'il furent en present<sup>34</sup> quant il fit la felonie il dirrount<sup>35</sup> qe cieuls par noun, commande serra<sup>36</sup> al vicounte q'il serront<sup>37</sup> attachez quant il <sup>38</sup>serront venuz<sup>39</sup> le Justice demande<sup>40</sup> de la xij. sil les mesererent il disoient qe noun.<sup>41</sup>

Donques dit Oursmy cest leg de tere qe ceuls q'il sont en presence quant tiel felonie<sup>42</sup> est fait q'il l'aveut la meme et q'il aydent de attacher

<sup>1</sup> et fut aqite, g. <sup>2</sup> et pris, g. <sup>3</sup> pris, g. <sup>4</sup> prisez, c. <sup>5</sup> pris, c. <sup>6</sup> from g. <sup>7</sup> et ails au rei pour la fute. <sup>8</sup> Reported by 35, c. 1. <sup>9</sup> homme, v. <sup>10</sup> et pris, c. <sup>11</sup> les, x. <sup>12</sup> la felonie, c. v. <sup>13</sup> la felonie, c. v. <sup>14</sup> et add Demande fut par les justices sil fuyt. La xij dit qe noun. <sup>15</sup> Reported by 37, c. 1. Text from 37 collated with c. v. <sup>16</sup> appelle, c. 1. <sup>17</sup> et add c. <sup>18</sup> endite supra. <sup>19</sup> et add par quei sute. <sup>20</sup> serra mis pris, v. <sup>21</sup> Reported by 35, c. 1. Text from 37 collated with c. 1. <sup>22</sup> J. de S., v. <sup>23</sup> cupable, c. <sup>24</sup> fuist, v. <sup>25</sup> terre en fee, v. <sup>26</sup> demandent, v. <sup>27</sup> presence, c. <sup>28</sup> disint, v. <sup>29</sup> furent, v. <sup>30</sup> vendrent, c. <sup>31</sup> demandera, c. <sup>32</sup> demanda, v. <sup>33</sup> et add Demande serra sil l'aveut la meme maintenant apres la felonie faite. Il disoient qe noun. <sup>34</sup> et add serra, et add fuist, et serra. <sup>35</sup> fute, c. <sup>36</sup> ou, c.



herself on the country. The country came and acquitted her. Wherefore the Justices ordered that she should go quit. But the chattels in respect of which she had been indicted were forfeited by the dozen and delivered to the Sheriff that he should be answerable to the King for the value thereof. And the reason for this was that none had brought suit against the woman, and she claimed not the goods as her own; therefore *as above*. THE JUSTICES asked the dozen if ever aforetime, either before indictment or after, for fear of being so indicted, she had fled, and they said that she had not. And therefore the chattels were not forfeited to the King; but if she had fled the chattels would have been forfeited, because chattels are forfeited by flight.

One Walter was indicted for that he had committed divers robberies and larcenies. He came before the Justices and was arraigned, and he was asked how he would acquit himself. He put himself on the country, that is to say on the dozen of the hundred wherein he was born. The Justices said he ought to have the dozen of the hundred wherein the felonies alleged were said to have been committed; and then Walter prayed that half of the jury might be of the dozen of the hundred wherein the alleged felonies etc., and the other half of the hundred wherein he was born. This was allowed him by the Justices. The jurors acquitted him, and so it was ordered that he go quit. Crown Plea.

When one is indicted at the suit of a complainant, and such complainant do not prosecute his suit, such complainant shall be taken and shall make fine with the King etc., and his pledges shall be in mercy; and he that was indicted shall go quit of such complainant's suit, but he shall be arraigned at the suit of the King. If, however, he had been previously indicted by inquest at the suit of any whatsoever he shall not be taken.

One William was indicted for the death of one John. He put himself on the country for good and evil. The twelve came and said that he was guilty. Wherefore he was condemned. Then was it ordered that inquiry be made as to his chattels and freehold; and then the twelve were asked who were present when he committed the felony and they said that such and such persons so named were present. Then was the Sheriff charged to have them attached; and when they came the Justices asked the twelve if they suspected them, and they said that they did not. Then said Crown Plea.

ORMESBY J. It is the law of the land that such as be present when such a felony as this is committed shall raise hue and cry and give their



les felons et pur ceo vous freez fyn au Roy <sup>1</sup>et il demorerent en prisone cy la qil auoyent fet fyn<sup>1</sup> et les uns fesoient<sup>2</sup> fyn pur demi mares et pus disoient cels qi furent en presence qil furent a tiel temps de deinz age pur quei il furent mesconusantz <sup>3</sup>sil dussent auer leue la mene ou noun qar il ne furent myo<sup>4</sup> la ley et demande fut de la xij sil furent denz age la xij dit qe oyl et les Justices auoyent grant regard a lour dit et fut agard qil alassentes<sup>5</sup> quites sanz fyn fere.

De Corona.

<sup>6</sup> Robertus Folejambe<sup>6</sup> captus<sup>7</sup> cum manu opere bursarum de cerico et aliorum ornamentorum de ecclesia de Maydestone furatarum venit et quesitus qualiter se velit inde acquietare et defendit omne latrocinium et quicquid est contra pacem etc. et de bono et malo ponit se super patriam et Juratores de Hundredo de Maydistone dicunt<sup>8</sup> quod predictus Robertus culpabilis est de <sup>9</sup>facto sibi imposito<sup>9</sup> ideo suspensus cattalla nulla.

Presentatio.

<sup>10</sup> Item presentatum fuit quod <sup>11</sup>Rogerus de Horton,<sup>12</sup> Nicholaus ate staple<sup>13</sup> Gaolarii<sup>14</sup> ceperunt de hominibus et feminabus (sic) venientibus ad mercatum Cantuarie differre<sup>15</sup> fabas<sup>16</sup> pisas et piscem<sup>17</sup> ad vendendum mercato predicto <sup>18</sup>quando quam<sup>18</sup> porcionem ceperunt<sup>19</sup> de eisdem rebus de libito suo contra voluntatem eorum nichil eis dando pro eisdem Et predictus <sup>20</sup>R. et N.<sup>20</sup> veniunt et dicunt quod nichil ceperunt de hujusmodi hominibus contra voluntatem eorum et de hoc ponunt<sup>21</sup> super patriam. Juratores istius Hundredi<sup>22</sup> cum<sup>23</sup> Juratoribus Cantuarie dicunt super sacramentum suum quod<sup>24</sup> nichil ab eis ceperunt et ideo ipsi<sup>25</sup> quieti et xij<sup>26</sup> in misericordia pro falsa presentacione etc.

misericordia  
pro falsa  
presentacione.

De Corona.

<sup>27</sup> Un William fut<sup>28</sup> endite qil deureit<sup>29</sup> auer este aydant a la mort <sup>30</sup>un R.<sup>30</sup> et le Roy auoit maunde<sup>31</sup> son breve<sup>31</sup> a les Justices qil auoyt pardone a luy<sup>32</sup> qantqe a luy fut de ceo trespas la xij fut demande<sup>33</sup> la Justice demanda<sup>34</sup> de els si il luy<sup>35</sup> mescreerunt il disoient qe noun pur quei fut agarde <sup>36</sup>qil alast<sup>36</sup> quites (sic).

<sup>1-1</sup> *v omits.* <sup>2-2</sup> *lun fesoit. v.* <sup>3-1</sup> *de. v.* <sup>4</sup> *alassent. κ.* <sup>5</sup> Reported by γγ, κ, v. Text from γγ collated with κ, v. <sup>6</sup> From E. R.; le F., γγ; le Folechambe, κ; le Folziambe. v. <sup>7</sup> *v adds* fuit. <sup>8</sup> *κ adds* super sacramentum suum. <sup>9-9</sup> *malefactis sibi impositis. κ.* <sup>10</sup> Reported by γγ, κ, v. Text from γγ collated with κ, v. Proper names from E. R. <sup>11-13</sup> J. et G., v. <sup>14</sup> Horton, κ. <sup>12-13</sup> Nicholas atte Festable. κ. Fishpoole, E. R. <sup>14</sup> E. R. *adds* Cantuarie. <sup>15</sup> *differentibus, v;* *deferentibus, E. R.* <sup>16</sup> from κ, E. R.; falsas, γγ, v. <sup>17</sup> *pisses, v.* <sup>18-18</sup> *quandam, κ, v.* <sup>19</sup> *v omits.* <sup>20-20</sup> Rogerus et Nicholas, κ; J. et G., v. <sup>21</sup> *κ adds* se. <sup>22</sup> *sc. Westgate; κ adds* simul. <sup>23</sup> *κ adds* xij. <sup>24</sup> *v adds* predicti J. et G. <sup>25</sup> *v adds* eant. <sup>26</sup> *sc. istius hundredi.* <sup>27</sup> Reported by γγ, κ, v. Text from γγ collated with κ, v. <sup>28-28</sup> Torbot Jon de Walden et Willelmus de Bury iurent, κ; un William de C. et C. de B. et J. de S., v. <sup>29</sup> *devereynt, κ, v.* <sup>30-30</sup> un Robert, κ; Robert de A., v. <sup>31-31</sup> ses lettres, v. <sup>32</sup> *eux trois, κ; ces* iij, v. <sup>33</sup> *κ adds* il vynchunt; *v adds* il vinchent. <sup>34-34</sup> les justices demanderent, κ. <sup>35</sup> *les, κ;* *ces iij, v.* <sup>36</sup> *qilsalassent, v.*



aid towards arresting the felons. Wherefore you will make fine with the King. And they remained in prison till they had made such fine. And some of them made fine for half a mark apiece. And afterwards those who were present at the commission of the said felony said that at that time they were under age, and therefore were unaware whether they ought to have raised hue and cry or not, for they were not sworn to the law. So it was asked of the twelve if these were under age, and the twelve said that they were; and the Justices had great regard for what they said, and so it was ordered that these should go quit without making fine.

Robert Foljambe was taken, having in his possession certain silk bourses and other ornaments stolen from the church at Maidstone, that were the property of the same church. He comes and is asked how he will acquit himself thereof; and he defends all larceny and whatsoever is against the peace etc., and for good and evil puts himself upon the country. And the jurors of the hundred of Maidstone say that the aforesaid Robert is guilty of the facts alleged against him. Therefore is he hanged. No chattels. Crown Plea.

Presentment was also made that Roger of Horton and Nicholas at Staple, that were gaolers, took arbitrarily from divers men and women that came to Canterbury market to sell beans and peas and fish a part of their stock, against the will of such market-folk, paying them nothing therefor. And the aforesaid R. and N. come and say that they took nothing from any folk whatever against their will; and as to this they put themselves on the country. The jurors of that hundred, together with the jurors of the City of Canterbury, say upon their oath that the aforesaid R. and N. took naught from these people; and so they go quit, and the dozen are in mercy for their false presentment, etc. Presentment.

A certain William was indicted for having been accessory to the death of one R[obert]. The King sent his letter to the Justices whereby he pardoned to the said William all that appertained to him, the King, by reason of William's wrong-doing. The dozen was called, and the Justices asked them if they suspected William. They said that they did not. It was therefore adjudged that he should go quit. Amercement for false presentment.  
Crown Plea.





## Restitution.

<sup>1</sup> Un Water fut endite de la mort de home et fut clerke et troue copable par enqueste de office. le Roy en ceo cas auoit sa tere et ces chatels taunt cum il fut enprisoné et prendra les profits des terres et qant il serra deliuer il auera bref hors de la chauncelerie dauer ces chatels et ces teres.

## De Corona.

<sup>2</sup> Un homme<sup>3</sup> fut endite de<sup>4</sup> burglary<sup>5</sup> et<sup>6</sup> fut clerke. Les Justices demanderent ou ordine de quel Euesque il dit qil ne pout respondre sanz ces ordiners<sup>7</sup> le Justices demanderent le Ordiner qil ly demande ou il fut ordine et sil auoit lettres del Euesque et il naueyt poynt<sup>8</sup> non obstante ceo le Ordiner ly demande<sup>9</sup> cum ordine de seynt eglise<sup>9</sup> enqueste fut pris et troue fut qil fut copable le Ordiner<sup>10</sup> le voleit aue donques dit<sup>10</sup>

ORMESBY<sup>11</sup> qil fut endite des autres felonies des quels il couendra qil fut arene et fut remaunde<sup>12</sup> a la prisone<sup>13</sup> esques etc.<sup>13</sup>

<sup>14</sup> Un Nicholas<sup>15</sup> fut<sup>16</sup> endite pur ceo qil auoy debruse une eglise<sup>17</sup> et enporta<sup>18</sup> chalice<sup>19</sup> etc. il<sup>19</sup> dit qil fut clerke<sup>20</sup> lenqueste pris dit qil fut copable le Ordiner ly demanda.

ORMESBY vous ne ly poetz demander cum membre de seynt eglise qar il ad debruse seynt Eglise<sup>21</sup> et issint<sup>21</sup> forfait benefice de seynt eglise et atteynt cum<sup>22</sup> traitour hoc non obstante le ordiner ly auoyt<sup>21</sup> et en tiel cas le Roy auera les biens emportez.<sup>23</sup>

<sup>24</sup> Et Jon Folechaumbe fut areyne de la felonie; il se mist en bon pays. Les Jurours del hondred de Maydnestan diseynt qyl fut cupable. Ideo suspensus. Et la verite fut qyl fut clerek, et les Justices entenderent qe le ordiner ly demanderoit, et il enparlerent od le ordiner, et apres ceo qyl fut dampne, il dit qe il fut clerek, et non potuit audiri. En ceo cas le roy auoit les biens enportez etc.<sup>24</sup>

## De Corona.

<sup>25</sup> Symond de Hoke<sup>26</sup> existens super quamdam carectam sarceratam<sup>27</sup> de fagotis et ligando eam cecidit pro mocione unius equi in eadem

<sup>1</sup> Note from  $\gamma\gamma$ . <sup>2</sup> Reported by  $\gamma\gamma$  and  $v$ . Text from  $\gamma\gamma$  collated with  $v$ .  
<sup>3</sup> Robert,  $v$ . <sup>4</sup> qil dut auer fait,  $v$ . <sup>5</sup>  $v$  adds de un mesoun et auer aporte xx li. de argent. <sup>6</sup> il dist qil,  $v$ . <sup>7</sup>  $v$  omits. <sup>8</sup>  $v$  omits. <sup>9</sup> etc.,  $v$ .  
<sup>10-10</sup> voleit auer le clerk a la prisone leuesque,  $v$ . <sup>11</sup>  $v$  adds dist. <sup>12</sup> Comaunde par les Justices,  $v$ . <sup>13-14</sup> le Roi si la qil feust arene des autres felonies,  $v$ .  
<sup>14</sup> Reported by  $\gamma\gamma$  and  $\kappa$ . Text from  $\gamma\gamma$  collated with  $\kappa$ . <sup>15</sup>  $\kappa$  adds de B et Jon Folechaumbe. <sup>16</sup> furent,  $\kappa$ . <sup>17-17</sup> areyne seueralment qil dewereynt aver debruse la eglise de Nordilote,  $\kappa$ . <sup>18</sup> enporte,  $\kappa$ . <sup>19-19</sup> et bures de saye et altres ornamenz de seynt eglise. Vynt N. de B. et,  $\kappa$ . <sup>20</sup>  $\kappa$  adds et qe il ne pout respondre saunz etc., le ordiner ly demande com clerk, et ly fist l'yer ij vers. <sup>21-21</sup> qar il ad,  $\kappa$ . <sup>22</sup>  $\kappa$  adds purment. <sup>23-23</sup> et fut deliwers a la prisone le Euesque,  $\kappa$ .  
<sup>24-24</sup> from  $\kappa$ . <sup>25</sup> Reported by  $\gamma\gamma$ ,  $\kappa$ ,  $v$ . Text from  $\gamma\gamma$  collated with  $\kappa$ ,  $v$ , and compared with E. R. <sup>26</sup> tali loco,  $\kappa$ . <sup>27</sup> carectam,  $\kappa$ .



One Walter was indicted for the death of a man, and was a clerk, and was found guilty by official inquest. In such case the King has his land and chattels so long as he is in prison, and takes the profits of the land. If, however, such a clerk shall purge himself and be set at liberty, he shall have a writ from the Chancellery to recover his chattels and his lands. Resolution.

A man was indicted for burglary, and he was a clerk. The Justices asked him where he was ordained and by what Bishop. He said that he could not answer without his Ordinaries. The Justices asked of the Ordinary who claimed him where he was ordained and if he had letters from the Bishop. And though these he had not, yet the Ordinary claimed him as in orders of Holy Church. The inquest was taken and he was found guilty. The Ordinary wanted to have him. But it was said by Crown Plea.

ORMESBY J. He is indicted for other felonies, and for these he must be arraigned.

And he was remitted to prison until etc.

One Nicholas was indicted for that he had broken into a church and carried away therefrom a chalice etc. He said that he was a clerk. Inquest was taken, and he was found guilty. The Ordinary claimed him.

ORMESBY J. You cannot claim him as Holy Church's man, for he is a robber of Holy Church and stands convicted as a traitor to her; wherefor has he forfeited the protection of Holy Church. Yet, for all that, the Ordinary had him; and in such a case shall the King have the stolen chattels.

John Foljambe was arraigned of felony. He put himself on the country. The jurors of the hundred of Maidstone said that he was guilty. And so he was hanged. The truth was that he was a clerk, and the Justices supposed that the Ordinary would claim him, and they conferred with the Ordinary. And after that he was condemned he said that he was a clerk, but he could not then be heard.<sup>1</sup> In this case the King had the stolen goods etc.

Simon Hook was standing upon a cart laden with faggots, and, while he was engaged in binding these faggots to the cart, a certain horse that was attached to the said cart moved forward, and the said Crown Plea.

<sup>1</sup> See *Introduction*.



carecta existentis Ita quod idem Symon statim<sup>1</sup> obiit et primus inventor venit et duo vicini similiter et non male creduntur<sup>2</sup> duo vicini obierunt Judicium infortunium precium<sup>3</sup> equi<sup>4</sup> et carecte x. s. unde vicecomes respondet.

Deodanda.

Corona.

<sup>5</sup>Elias<sup>6</sup> Clericus de Bradegare obviauit noctanter Willelmo Dousgod<sup>7</sup> in <sup>8</sup>bosco qui vocatur Heriette<sup>9</sup> et ipsum Willelmum ibidem occidit et statim fugit ideo catalla confiscantur pro fuga Nulla habuit catalla in hundredo isto<sup>10</sup> sed testatum est quod habuit in hundredo de Middleton ideo ibidem<sup>11</sup> inquiratur primus inventor et duo vicini<sup>12</sup> veniunt et non male creduntur et duo vicini obierunt et <sup>13</sup>R. Walrand<sup>13</sup> falso se presentavit ideo vicini in misericordia per plegium <sup>14</sup>W. Bond et B. de B.<sup>14</sup> Et quia non venerunt plene ad inquisitionem Corone<sup>15</sup> ideo ipsi in misericordia.

Corona.

<sup>16</sup>Reynerus molendarius de Dodynton<sup>17</sup> obviauit <sup>18</sup>Roberto Peytevy<sup>18</sup> in crepusculo noctis in Dadyngtoun<sup>19</sup> et Robertum<sup>20</sup> occidit et statim fugit ideo exigatur etc. primus inventor et tres vicini non veniunt et non male creduntur et Robertus Muriolus quartus vicinus non venit nec male creditur et fuit attachiatus per Hamonem atte Veruthe et Willelmum Turnspit. ideo ipsi in misericordia Catalla predicti <sup>21</sup>R. iij. s. iij. d.<sup>21</sup> unde vicecomes respondet. Et villata falso appreciant catalla ideo ipsi in misericordia. Et postea testatur quod predictus<sup>22</sup> habuit catalla in hundredo de Faversham videlicet ij. s. unde vicecomes respondet. Johanna priorissa<sup>23</sup> cepit catalla predicti<sup>24</sup> sine waranto. ideo<sup>25</sup> in misericordia.

De Corona.

<sup>26</sup>Radulphus de Bysshopesburne simul cum aliis hominibus ignotis venit ad domum Johannis de Hakedale et domum suam intravit et dictum Johannem in domo<sup>27</sup> sua occidit et statim fugit et male creditur et ideo exigatur et utlagetur. Catalla ij s. unde vicecomes respondet non fuit in bourgha quia vagans. de nominibus aliorum non potest inquiri etc. primus inventor venit et vicini veniunt et non male creduntur. Gilbertus le Blog unus vicinus non venit nec male creditur et fuit

<sup>1</sup> postea, v.

<sup>2</sup> v. abls alii.

<sup>3</sup> κ omits.

<sup>4</sup> equorum, v.

<sup>5</sup> Reported by γγ, κ, v. Text from γγ collated with κ, v. Proper names from E. R.

<sup>6</sup> Elias, κ, v; Heyl, γγ. <sup>7</sup> Eussod, γγ; Bussot, κ.

<sup>8</sup> tali loco, v.

<sup>9</sup> Henet, κ. <sup>10</sup> sc. Tenham.

<sup>11</sup> tibi [sic], v.

<sup>12</sup> v. adds S. de T. et D. de C.

<sup>13-14</sup> R. Warand, γγ; Robertus Wayland, κ; Johannes de T., v.

<sup>14-15</sup> Willelmi

Burey et Burgh. de B., κ.

<sup>15</sup> Coronatoris, κ; v. omits.

<sup>16</sup> Reported by γγ

and κ. Text from γγ collated with κ. Proper names from E. R.

<sup>17-18</sup> from κ

and E. R.; Robertus Molan, γγ.

<sup>18-19</sup> Rainero de B., γγ; Roberto Pokuyn, κ.

<sup>19</sup> Dodynton, κ. <sup>20</sup> Robertum, E. R., κ; R. cinerum, γγ.

<sup>21-22</sup> Reyneri iij. s.

viii d.

<sup>22</sup> Reynerus, κ.

<sup>23</sup> κ abls de D.

<sup>24</sup> predicta, κ.

<sup>25</sup> ipsa, κ.

<sup>26</sup> Reported by γγ and κ. Text from γγ collated with κ.

<sup>27</sup> lecto, κ.



Simon was thereby thrown down, and straightway killed. The first finder comes, as likewise do two of the neighbours, and they are not suspected. The other two neighbours are dead. Judgment of misadventure. The value of the horse and cart is ten shillings, for which the Sheriff is answerable. Deadand.

Elias, a clerk of Bredgar, met William Dousgo by night in Harriets-ham wood, and there slew that same William, and forthwith fled. So his chattels are to be confiscated by reason of such flight. In this hundred he had no chattels; but as it is testified that he had chattels within the hundred of Middleton, inquiry is to be made there of them. The first finder and two of the neighbours come, and are not suspected. The other two neighbours are dead, and R. Walrand falsely presented himself; so the neighbours are in mercy by pledge of W. Bond and B. of B. And because it came not fully to the coroner's inquisition, [the township] is in mercy. Crown Plea.

In the dusk of the evening Reynard the miller of Doddington met Robert Peytevyn and slew him and straightway fled. Therefore he is to be exacted etc. The first finder and three of the neighbours do not come nor are they suspected. Robert Muriel, the fourth neighbour, does not come, nor is he suspected. He was attached by Ham at Veruthe and William Turnspit; so these are in mercy. The chattels of the aforesaid Reynard are valued at three shillings and threepence, for which the Sheriff is responsible. And the township made false appraisement of the said chattels, and so is in mercy. It is afterwards testified that the aforesaid Reynard had chattels in the hundred of Faversham, to wit of the value of two shillings, and for this is the Sheriff responsible. Joanna the Prioress took the chattels of the aforesaid Reynard without warrant; and for this she is in mercy. Crown Plea.

Ralph of Bishopsbourne together with others unknown went to the house of John of Hackendown and entered therein, and slew the said John in his own house, and straightway fled. He is suspected; therefore let him be exacted and outlawed. His chattels are valued at two shillings, for which the Sheriff is responsible. He was not in pledge, being a vagrant. Touching the names of the others no inquiry is possible. The first finder and certain of the neighbours come, and are not suspected. Gilbert Black, one of the neighbours, does not come, neither is he suspected. He was attached by Crown Plea.





attachiatus per Johannem de Hegham et Johannem Kayser ideo ipsi in misericordia et Johannes de P.<sup>1</sup> coronator cepit superiorem pannum predicti defuncti ideo ad iudicium de eo villa<sup>2</sup> non fecit<sup>3</sup> sectam ideo<sup>4</sup> in misericordia.

Corona.

<sup>5</sup>Johannes de <sup>6</sup>Tyryndenne de borgha de Bedemangore<sup>7</sup> prostravit quendam arborem in bosco qui vocatur Erieite<sup>8</sup> cum predicta arbor cecidit in cadendo prostravit quendam rimum<sup>9</sup> alterius arboris qui quidem ramus cecidit super ipsum Johannem ita quod statim obiit et nullus inde male creditur Iudicium infortunium primus inventor obiit <sup>10</sup>et quatuor<sup>10</sup> vicini veniunt precium arboris et rami <sup>11</sup>ijj. s.<sup>12</sup> unde Magister Michael de Berham et alii executores Roberti nuper archiepiscopi Cantuariensis respondeant. Et quia Johannes<sup>13</sup> coronator cepit superiorem pannum<sup>14</sup> ideo ad iudicium de eo.

De Corona.

<sup>15</sup>Thomas Magote<sup>16</sup> venit ad domum Johannis Asketyn in burgho de Bonykette et intravit cameram predicti J. ad <sup>17</sup>bona predicti Johannis<sup>17</sup> depredanda supervenit predictus J. quem predictus T. insultavit et vulneravit ita quod quinto<sup>18</sup> die obiit et predictus T. statim post factum fugit et male creditur et ideo exigatur et utlagetur, quatuor vicini veniunt et<sup>19</sup> male creduntur nulla Englecheria presentata Iudicium murdrum super Hundredum nulla catalla et Burgha de Bonypette (*sic*) non veniunt plene ad inquisitionem Corone<sup>20</sup> ideo<sup>21</sup> in misericordia.

De Corona.

<sup>22</sup>Willelmus le Hog de Bordenne clericus depredavit Ricardum vicarium ecclesie de Dodigtone de bonis suis videlicet de auro et argento ad valenciam .xx. li. statim post factum fugit nescitur quo devenit ideo etc.

## ATTEINTE.

## NOTA.

## I.

<sup>23</sup> Si un homme seit noun suy en une atteinte il irra a la prison, et jammes autre foitthe navera atteinte en mesme le cas.

<sup>1</sup> κ adds tunc.<sup>2</sup> villata, κ.<sup>3</sup> fecerunt, κ.<sup>4</sup> κ adds ipsi.<sup>5</sup> Reported by γγ, κ, ν. Text from γγ collated with κ and ν. Proper names from E. R.<sup>6-7</sup> G. W. Trendone in Burgh de D., κ; C., ν.<sup>8</sup> Eyde, γγ, ν;Exdo, κ. <sup>9</sup> arborem, κ. <sup>10-11</sup> ν omits. <sup>11</sup> to end etc., ν.<sup>12</sup> κ adds d. ob.<sup>13</sup> κ adds Ouen.<sup>14</sup> κ adds defuncti.<sup>15</sup> Reported by γγ and κ.

Text from γγ

collated with κ. Names corrected from E. R. <sup>16</sup> κ adds de J.<sup>17-18</sup> from κ.<sup>19</sup> sexto, κ.<sup>20</sup> κ adds non.<sup>21</sup> Coronatoris, κ.<sup>22</sup> κ adds ipsi.<sup>23</sup> Reported

by γγ only. Names corrected from E. R.

<sup>24</sup> Note from aa, β.



John of Higham and John Keyser; so these are in mercy. John of P., the coroner, took the upper garment of the said dead man; so to judgment of him for so doing. The town made not suit, therefore is it in mercy.

John of Tyryndenne of the borough of Bedemangore felled a certain tree in Harrietsham wood, which said tree in falling struck and broke off a branch of another tree, and this said branch fell upon the said John and straightway killed him. No one is suspected in connection with the matter. Judgment of misadventure. The first finder is dead, and the four neighbours come. The value of the tree and the branch is three shillings, for which Master Michael of Barham and the other executors of Robert, late Archbishop of Canterbury, are responsible. And because John the coroner took the upper garment, therefore to judgment of him. Crown Plea.

Thomas Megson went to the house of John Askins in the borough of Boncakes and entered the bedroom of the aforesaid J. intending to steal therefrom the goods of the aforesaid John. But the aforesaid John coming into the said room the aforesaid T. attacked and wounded him so that on the fifth day thereafter he, the said John, died; and the aforesaid T. straightway fled, and he is suspected. Therefore he is to be exacted and outlawed. The four neighbours come and are [not] suspected. Englishry was not presented; so judgment of murder upon the hundred. He had no chattels. The borough of Boncakes did not come fully to the coroner's inquisition, and so is in mercy. Crown Plea.

William Hogg of Borden, a clerk, robbed Richard that was vicar of the church at Doddington of certain of his chattels, to wit of gold and silver to the value of twenty pounds; and thereafter straightway fled. It is not known what became of him; therefore etc. Crown Plea.

## ATTAINT.

### NOTE.

#### I.

If a man bring an attaint and be nonsuited, he shall go to prison; and he shall not be allowed to bring another attaint upon the same facts.



## II.

<sup>1</sup> *Nota* qe un homme porta un atteint qe fust nonsuie, par quoie agarde fust qil fust pris &c.

## III.

<sup>2</sup> (*Nota de pena infligenda.*) *Nota* si un homme porte une atteynte et ne suit poynt, me qe le defendant face defaute, le pleyntif serra amerceye et ces plegges; et serra agarde a la prisone pur sa noun sute sil soyt present, et si noun capiatur et alii sine die simul cum xij etc.

## IV.

<sup>3</sup> *Nota* en une ateinte le tenant vynt & les xii mes cely qui la porta ne vynt point <sup>4</sup> qen eyre &c.,<sup>4</sup> par quey fust agard qil fust pris, & les autres saunz jour, & feust la noun seute avaunt apparaunce, & *nota* qe sil ust este noun siwy apres apparaunce il ne portereit james au tiel par *Caunt*.

## ANON.

<sup>5</sup> *Atteinte* ou le vicounte auoit retourne qe les .xij. furent mortz, et fut dit qe saunz panel et le record et le original ne serreit pas latteinte prise.

Une atteinte fut porte uers un tenaunt sur un enqueste qe passa en un *Precipe quod reddat* en Baunk des certainz tenemenz etc., le bref l uere au vicounte etc., et retourne qe touz les xij furent mortz.

HERUI. Ou sount les nouns des xij?

Le pleintif dit qil naueit pas siwy dauer le panel oue le record.

HERUI. Saunz le panel et le record et le bref original ne serra pas latteinte prise, par quei nous vous donoms jour a Roucestre a la xv. de Saint Martin et suez endementers de fere venir le bref original et le panel.

*Pass.* Cesti bref datteinte voet: *Et summane etc. qui tenet.*

HERUI. Cest un atteinte en un *precipe quod reddat*, mes en

<sup>1</sup> Note from *θ*.      <sup>2</sup> Note from *γγ*.      <sup>3</sup> Note from *γ* and *ε*; text from *γ*.  
<sup>4</sup> *ε* omits.      <sup>5</sup> Reported only by *a*.



## II.

Note that a man bringing an attaint was nonsuited, and judgment was consequently given that he be arrested etc.

## III.

[*Note on punishment incurred.*] Note that if one bring an attaint and be nonsuited, even though the defendant make default yet shall the plaintiff and his pledges be amerced; and the plaintiff shall be sent to prison for his non-suit if he be present; and, if he be not present, let him be arrested, and the others, together with the first jury, go freely away.

## IV.

Note that in an attaint the tenant came and the first jury, but the plaintiff in Eyre came not. Therefore was it awarded that he should be arrested, and that the others should go freely away. This plaintiff was nonsuited before appearance, and note that it was said by *Cambridge* that if he had been nonsuited after appearance he could never have obtained another writ on the same facts.

## ANON.

*Attaint where the Sheriff had returned that the twelve were dead; and it was said that attaint could not be had without the production of the panel and the record and the original writ.*

An attaint was brought against a tenant on an inquest held under a writ of *Precipe quod reddat* in Bank concerning certain tenements etc. The writ was delivered to the Sheriff etc. and he returned that all the twelve were dead.

STAUNTON J. Where are the names of the twelve?

The plaintiff replied that he had not sued for the panel and the record.

STAUNTON J. Unless you produce the panel and the record and the original writ you cannot get an attaint; and so we will give you a day on the quindene of St. Martin at Rochester, and in the mean time make your suit for the production there of the original writ and the panel.

*Passeley.* This writ of attaint runs: *Et summo etc. qui tenet.*

STAUNTON J. This is an attaint consequent upon a writ of





latteinte sur la nouel disseisine nauerez jammes *et summe etc. qui terram illam tenet.*

<sup>1</sup> *Nota* que celui qe porte latteinte put estre essone, e non e *converso*, etc.

## I.

<sup>2</sup> *Nota* qe de totes les assises qe passent en eyre, qe la chef justice put granter lateinte par son bref demene, et en meme la manere put la chef justice granter bref de disseisine fet durante le eyre.

## II.

<sup>3</sup> *Nota* par SPIGURNEL qe sur assise ou juree qe passe en eyre la atteynte sera grante, si la partie vodra suivre, par le chef justice sauntz bref de la chancellerie.

#### <sup>4</sup> SCOLAND v. GRANDISON.

##### Note from the Eyre Roll.

The first Assize was brought to determine the following issue. Frank Scoland alleged that his uncle Geoffrey had enfeoffed Richard Scoland with certain tenements to hold to him, Richard, and the heirs of his body, with reversion to Geoffrey and his heirs. Richard, who was a bastard, died without an heir, and Frank claimed that the tenements reverted to him as Geoffrey's heir. William Grandison admitted Geoffrey's enfeoffment of Richard, but alleged that afterwards Geoffrey 'remisit et quietumclamavit de se et heredibus suis predicto Ricardo et heredibus suis totum jus,' so that Richard then held the tenements directly from the chief lord, doing homage for them to Otto Grandison as chief lord, and afterwards to William Grandison, who obtained the *dominium* from Otto. Richard dying without an heir, William seized the tenements as his right and escheat, of which he remained seised as of freehold till Frank and certain other persons unjustly disseised him. This was the issue on which they went to the first jury of twelve. Frank now alleges that this first jury made false oath in finding that Geoffrey ever released and quitclaimed *totum jus* to Richard and Richard's

<sup>1</sup> Note from aa, B.    <sup>2</sup> Note from η.    <sup>3</sup> Note from γγ.    <sup>4</sup> Case reported by a, aa, B, γ, γγ, δ, ε, ζ, η, θ.



*Precipe quod reddat.* In a writ of attaint based upon novel disseisin you will never have *et summoie etc. qui terram illam tenet.*

*Note* that he who brings an attaint may be essoined, but not *e converso* etc.

## I.

*Note* that the Chief Justice may, by his own writ, grant an attaint of the jurors of all assizes that come before the Eyre; and in the same way may the Chief Justice grant a writ for a disseisin made during the Eyre.

## II.

*Note* that SPIGURNEL J. said that a writ of attaint of any assize or jury coming before the Eyre might be granted, if the party sought one, by the Chief Justice, without the necessity of suing a writ out of the Chancellery.

## SCOLAND v. GRANDISON.

*Note from Eyre Roll—continued.*

heirs; and he further alleges that they made false oath when they assessed William Grandison's damages at £15, as there were growing crops on the ground on the day of the inquest worth £10, and so William was entitled to no damages. William pleads the truth of the previous verdict. And this is the issue for the second jury of twenty-four. Walter Paschal<sup>1</sup> and Reginald Fuller<sup>1</sup> say that they have nothing and claim nothing in the tenements, and never unjustly disseised anyone. Roesia says that she holds a third by way of dower, by the gift of Frank after her husband's death. Walter of Gloucester and Hugh de Kauson do not come, and are not attached, 'quia non inventi,' but their bailiff says they never injured or disseised William. There is recorded on the Roll a letter from the King, under his private seal, to the Justices concerning the case which contains the following injunction: 'Fates haster le droit meisme celi Fraunk par totes les manere qe vous saurez et purrez selonc la ley et lusage de nostre Roiaume et le cours del eire . . . car nous auoms ses bosoignes molt a cuer,' etc.

<sup>1</sup> It does not appear what the interest of Paschal and Fuller in the matter was. Probably it was merely a technical one, as was the interest of W. of Gloucester and H. de Kauson, the King's escheator and subescheator.



I.<sup>1</sup>*Atincta.*

<sup>2</sup> Fraunk Scoland porta<sup>3</sup> une atteinte vers Sire W. de la Grauntsom dateindre les jurors<sup>4</sup> del assise qe autrefois passa entre eus & autres nomez en le bref original &c., le verdit do qele assise ove le jugement fust alegee come barre al accioun mesme cesti Fraunk Scoland en le bref de fourme de doun <sup>5</sup>qil porta vers mesme cely Sire W. sicom il apiert en le play &c.,<sup>6</sup> & fust le bref tiel.

Edwardus <sup>7</sup>dei gratia<sup>8</sup> etc. vicecomiti Kancie salutem. Si Franco de Scoland fecerit te securum de clamio suo prosequendo, tunc summone per bonos summonitores xx & iij legales milites de visneto de Hortone quod sint coram Justiciariis nostris ad primam assisam cum in partes illas venirent parati sacramento recognoscere si idem Franco & Walterus de Gloucestria, Hugo de Kanson, Roesia que fuit uxor Ricardi de Scoland, Walterus Paschali<sup>9</sup> & Reginaldus le Fulur injuste & sine judicio disseisiverunt Willelmum de Grandi sono<sup>8</sup> de libero tenemento suo in Hortone post primam<sup>9</sup> etc., unde idem Franco queritur quod jurati assise nove disseisino quam predictus Willelhaus inde dudum coram dilectis & fidelibus nostris Roberto de Ratford & Henrico Spigurnel tunc justiciariis domini Edwardi quondam regis Anglie patris nostri ad assisas in comitatu predicto capiendum assignatis versus prefatos Franconem, Walterum, Hugonem, Roesiam, Walterum & Reginaldum per breve ipsius patris nostri arramiavit & que postmodum inter eos coram eodem patre nostro summonita fuit & capta apud Cantuariam falsum fecerunt sacramentum, & interim diligenter inquiras qui fuerunt juratores istius assise & eos tunc habeas coram prefatis justiciariis

<sup>1</sup> Text of this version from  $\gamma$ , collated with  $\delta$ ,  $\epsilon$ , and compared with  $\eta$ . Proper names corrected by E. R. <sup>2</sup> The report in  $\eta$  commences as follows:—

<sup>3</sup> Et pus en mème le Eyre Frank porta lateinte vers Willem de Graunzoun sanz plus de altres nomes. Les Justices feseient demander les jurours de la primer assise; des ques les vij. vindrent et les ij. furent [mortz] et les iij. vindrent pas, pur quei comande fut al viconte qe en dreit de iij qe ne vindrent pas qil alast a lour mesons et feist ouster feme et enfauz et seisir fait en la meyn le Roy totes les terres et respondist des issues et qil prist lour cors issi qe lez ust etc.

<sup>4</sup> Et Willem de Graunzoun vint en court, a qi fut dit par les Justices qil deist, sil sust rien dire, pur quei la Jure ne dust passer.

<sup>5</sup> Fris. Il nad cy de Jurours de la primer assise for qe vij.

<sup>6</sup> STAUNT. Nous sumes pas a ore a prendre cete jure, mes qe vous estes partie mustret si vous sacht altre chose pur quei ele ne deit estre pris.

<sup>7</sup> Et pus firent lire le recorde de la primero assise et le bref de lateinte et le primer original.

<sup>8</sup> Et put fut dit a Frank qil assignast en quel point les xij feseient fauz serment.

<sup>2,3</sup> Et meyme celz Franc porta pus,  $\epsilon$ . <sup>4</sup> le xij,  $\epsilon$ ; la jure,  $\delta$ . <sup>5,6</sup> avant-dit ut patet &c.,  $\epsilon$ . <sup>7,8</sup> from  $\epsilon$ ,  $\delta$ ;  $\gamma$  omits. <sup>9</sup> Paschal,  $\gamma$ ; le l'assele,  $\delta$ .

<sup>8</sup> Astone,  $\delta$ . <sup>9</sup> from  $\epsilon$ ,  $\delta$ ;  $\gamma$  omits.



## I.

*Attaint.*

Frank Scoland brought an attaint against Sir W. de la Grauntson by which he sought to attaint the jurors of the assize which had previously passed between them<sup>1</sup> and the other parties named in the original writ etc. The verdict of that assize and the judgment consequent thereupon were pleaded in bar of the action upon writ of formedon which the same Frank Scoland brought against the same Sir W., as appears in the plea etc. And the writ ran as follows :

‘ Edward by the grace of God etc. to the Sheriff of Kent greeting. If Frank de Scoland shall give you security for the prosecution of his suit, then summon by good summoners twenty and four law-worthy knights from the venue of Horton that they be before our Justices at the first assize when they shall come into those parts, ready by oath to recognize whether the said Frank and Walter de Gloucester, Hugo de Causton, Roesia, formerly the wife of Richard de Scoland, Walter Paschal, and Reginald Fuller unjustly and in default of judgment disseised William Grandison of his freehold in Horton after the first passage of King Henry into France, seeing that the said Frank complains that the jurors of the assize of novel disseisin which the said William aforetime by writ of our father arraigned against the said Frank, Walter, Hugh, Roesia, Walter and Reginald, before our beloved and faithful Robert de Ratford and Henry Spigurnel, then being the Justices of the lord Edward our father, formerly King of England, assigned to take assizes in the said county, such assize between the said parties being subsequently summoned to be held and being actually held before our said father at Canterbury, have made false oath ; and in the mean time you shall diligently inquire who were the jurors of that assize, and them you shall have before our said Justices at the said assize ;

<sup>1</sup> i.e. Frank Scoland and his co-plaintiffs.





nostris ad prefatam assisam, & summone <sup>1</sup>per bonos summonitores<sup>1</sup> predictum Willelmum quod tunc sit ibi audiendum illam recognitionem & habeas ibi summonitores, nomina militum<sup>2</sup> & hoc breve. Teste meipso apud Westmonasterium, xiiij<sup>3</sup> die Octobris anno regni nostri septimo.

Scoland vynt & pria la juree. Sire W. Grauntson sommons & vynt & les vij<sup>4</sup> des primers jurors vindrent & le viscounte respondi<sup>5</sup> de iij qil furent mortz & des ij<sup>6</sup> qil les avoit destreint mes ils ne vyndrent point, par qe le justice comaunda al viscounte qil meist hors femmes & enfantz & qil prist les terres en la meyn le roi & qils eust lour corps certain jour devant eux, & peus comaunda a les parties pleder.

<sup>7</sup> *Malm* pur Scoland rehercea le proces del assise & le verdit, & dit qil firent faus serment en taunt com ils disent qe G. uncle Scoland avoit fet une quite cleime a Richard &c., qar il dit qe unges <sup>8</sup>nule aquitaunce<sup>8</sup> ne fust <sup>9</sup>fete ne vewe ne sewe ne lewe,<sup>9</sup> & en taunt com ils asistent les damages a xv li. saunz aver regard al emblaire<sup>10</sup> de la terre qe valust xx<sup>11</sup> li.<sup>12</sup> & en taunt com ils disent qe Richard tynt de Willem de Graunson.

*Stonore* pur Sire Willem: Sire, vous veez bien coment nous sumes mene ceins a la seute Fraunk Scoland qi siwe vers nous & les xii de la primer assise <sup>13</sup>de oier ceste juree,<sup>13</sup> & sire, vous veez bien coment les uns de la xii ne vienent point, par qey nentendoms mie qe vous voillez a ceste juree<sup>14</sup> aler saunz lour presence ne nous ne sumes mie taunt avant menez par proces qe nous seoms agarde a respondre par lour defeaute.

*Hertepol*, ad idem, saunz lour presence ne poez a ceste juree<sup>14</sup> aler qar sils fusount presentz nous <sup>15</sup>les purrions aver <sup>16</sup>ovesqe nous<sup>16</sup> pur pleder en avauntage de eus & de nous, par qey &c.<sup>17</sup>

*Pas* ad idem sils fusent ici ils purroient dire aucune chose pur qey la juree ne se deust prendre, com a dire qe Fraunk fust noun siwi en au tiel bref apres apparance,<sup>18</sup> par qey tut pledoms nous ore, qaunt

<sup>1-1</sup> *8 omits.*    <sup>2</sup> *8 omits militum.*    <sup>3</sup> xiii. *8.*    <sup>4</sup> vj. *8;* viij. *8;* ix., E. R.

<sup>5</sup> retorna. *8.*    <sup>6</sup> iij. *8.*    <sup>7</sup> From this point *7* agrees in substance with the text, except where otherwise noted, but the verbal differences are numerous.    <sup>8-8</sup> quite-clame. *8.*    <sup>2-2</sup> *8 omits.*    <sup>9</sup> emblayure. *8.*    <sup>11</sup> xl. *7.*    <sup>12</sup> *7 adds* a lez eustager

le dit Fraunk.    <sup>13-13</sup> del eyre ceste jour. *8.*    <sup>11</sup> jour. *8.*    <sup>13-17</sup> vousisoms

prendre a nous v ou vj de euz en ende de nous a targer la jure. *7.*    <sup>16-16</sup> *8 omits.*

<sup>17</sup> *7 continues as follows:—*

<sup>18</sup> *Pas.* Si ceus qi ne sont pas fucent (*sic*) cy, il point pas cas dire qe Frank ust relesse etc. a ceus ou a un de euz, et de ceo mettre avant reles et quiteclame en bar de la Jure. Estre ceo, il point dire per cas qe Frank altrefethe porta lateinte en meme le play et fut noun suy apres aparance. Et estre ceo, il apent a euz a dire qil feseient bon serment et d'iceuz lez mettre en les xliij.

<sup>19</sup> *STAUNT.* Dites vous ceo qe vous oiet a dire, il (*sic*) quant il vindrent nous les orroms. Pur quei dites autre chose ou nous agardrons la Jure.

<sup>18</sup> *8 adds* altre foiz vers els meynes; autrefoiz porte vers nous. *8.*



and you shall summon by sufficient summoners the said William to be then present for the hearing of that recognition; and you shall have there the summoners, the names of the knights, and this writ. Witness myself at Westminster, the fourteenth day of October in the seventh year of our reign.

Scoland came and prayed the jury. Sir W. Grandison was summoned and came; and seven of the original jurors came, and the Sheriff returned as to three that they were dead; and, as to the two others, that he had distrained them but they had not come. Whereupon the Justice commanded the Sheriff to oust their wives and children and to take their lands into the King's hand, and to arrest their persons and have them before the Court on a certain day; and then he ordered the parties to plead.

*Malberthorpe*, for Scoland, recited the proceedings of the assize and the verdict, and alleged that the jurors had made false oath in saying that G. the uncle of Scoland, had made a quitclaim to R. etc.; for, said he, no acquittance was ever made, nor view had or sued for; and also in assessing the damages at £15, without having regard to the growing crops on the land, which were worth £20; and, further, in saying that Richard held of William de Grandison.

*Stonore* for Sir William. Sir, you see plainly enough how we are brought here at the suit of Frank Scoland, who brings action against us and the jury of the original assize to be heard by this jury; and, Sir, you see likewise that some of the original jury are not here; and therefore we do not suppose that, without their presence, you will think it fair that we should be obliged to go to this jury, and we submit that the practice of the court does not require us to make our defence without them.

*Hartlepool*, *ad idem*. You cannot, in their absence, proceed to award this jury, for if the absentees were here we should have the advantage of their arguments both in their own favour and in ours. Wherefore etc.

*Passeley*, *ad idem*. If they were here it may be that they would be able to show some good cause why this jury should not be awarded; as, for instance, that Frank was nonsuited on a writ of this sort after appearance. Again, it may fall out that, whatever answer we may



il vendront il plerount de novel & issint averez ij pleez dune chose.

SPIGURNEL qey poent les xij dire mes qil ount fet bon serment &c. ?

HERVI pledez ceo qe vous avez a pler ou nous agarderoms la juree, & qaunt il vendront, sil eient rien a dire, nous les orioms &c.<sup>1</sup>

Stonore uncore nentendoms mie qe <sup>2</sup>nous devons <sup>3</sup>a ore<sup>3</sup> a cest bref respondre<sup>4</sup> qar sire<sup>5</sup> il yad certain estatut qe veut qen checune Eyre les justices frount une crie qe ceus qi voient nul bref liverer en leire qil le liverent<sup>6</sup> deinz certain jour<sup>7</sup> de qel estatut vous feistes une crie &c, de tiel jour &c, dount la date de cesti bref est un moys apres cel jour, par qey &c.

HERVI le roi nous maunda peus<sup>8</sup> qe nient countreesteant <sup>9</sup>nostre crie qe nous reseusoms bref taunt qe a un certain jour apres nostre crie,<sup>10</sup> denz qel jour il ad purchace son bref.<sup>11</sup>

<sup>12</sup>ORMESBI ceo <sup>13</sup>ci nest mie fors<sup>13</sup> a chalenger & a desputer le power le roi & ceo ne devons nous<sup>14</sup> fere.<sup>15</sup>

Pas estatut veut qe si nul bref soit receu apres <sup>16</sup>le jour de<sup>16</sup> la crie qe le proces soit nul.

HERVI nous avoms garaunt de roi, par qey il covent qe nous ailoms avant & si vous entendez error purchacez &c.

Stonore uncore nentendoms mie qe vous voilez ceste juree prendre qar <sup>17</sup>vouz veez, sire, coment par sa seute il bie reverser le jugement sur le primer verdit, mes <sup>18</sup>nous vous dioms qe<sup>19</sup> le primer<sup>20</sup> jugement nest mie uncore execut qar nous navoms rien des damages.<sup>21</sup>

Dount les justices regarderent le record de la primer assise & troverent qe les damages furent taxez a xv li. dount la partie avoit done as clerks v marcs, & tut le <sup>22</sup>remennant des xv<sup>22</sup> li. Scoland avoit prest a la barre

<sup>1</sup> From here  $\eta$  again follows text. <sup>2-4</sup> vous voilez cete jure prendre,  $\eta$ . <sup>3-2</sup> from  $\epsilon$ ,  $\delta$ ;  $\gamma$  omits. <sup>4</sup> from  $\epsilon$ ,  $\delta$ ;  $\gamma$  omits. <sup>5</sup> from  $\epsilon$ ,  $\delta$ ;  $\gamma$  omits. <sup>6</sup>  $\eta$  adds a viceinte. <sup>7</sup> In  $\eta$  Stonore's speech ends thus:—

<sup>8</sup> qe euz meme asserent, apres qel jour nul bref ne sera ressu, et qe de ceus qe seront liueres apres qe le proses par euz fet seit tenu pur nul. Et vous dioms qe cete bref est purchace par le jour de vostre proclamacion ausieom pert par la date de bref, et nous nentendoms pas qu vous voilet par tel bref a ceste jure aler.

<sup>9</sup>  $\delta$  omits peus;  $\eta$  adds par son bref de chauncelair. <sup>10-11</sup> statut qe vous allet, qe nous ailoms avant a la jure, pur quei nous voloms fere son comandement,  $\eta$ . <sup>12</sup>  $\delta$  omits crie. <sup>13</sup>  $\eta$  omits this paragraph. <sup>14-15</sup> ne est mes qe,  $\epsilon$ . <sup>16</sup>  $\epsilon$ ,  $\delta$  add ne vous. <sup>17</sup> The next two paragraphs are rendered thus by  $\eta$ :—

<sup>18</sup>Pass. Statut est fet par comune conseil et ne put sanz comune conseil estre defet.

<sup>19</sup>STAT. Dites autre chose.  
<sup>16-16</sup> from  $\epsilon$ ,  $\delta$ ;  $\gamma$  omits. <sup>17-17</sup>  $\eta$  omits. <sup>18-19</sup> from  $\epsilon$ ;  $\gamma$  omits. <sup>20</sup> from  $\eta$ ;  $\gamma$  omits. <sup>21</sup> From here till the jury is awarded  $\eta$  differs substantially from the text. For this portion of the report in  $\eta$  see note at the end of this report. <sup>22-22</sup> le &c. de xl,  $\delta$ ; cel des xv,  $\epsilon$ .



make now, they may subsequently come and say something quite different, and so you will have two different pleas to the same issue.

SPIGURNEL J. What could the twelve say except that they had made true oath?

STAUNTON J. Plead whatever you have to plead in bar, or we shall straightway award the jury. When the others come, if they have anything to say, we will listen to them etc.

*Stonore.* We submit that for yet another reason we cannot now be called upon to reply to this writ: for, Sir, there is a certain statute which enacts that at the beginning of every Eyre the Justices are to make proclamation that all who intend to deliver any writ within the Eyre must deliver it by a certain day. In accordance with that statute you made proclamation and fixed a certain day etc. Now the date of this writ is a month after that day, and so etc.

STAUNTON J. The King sent his commands to us that, notwithstanding the terms of our proclamation, we were to receive writs delivered up to a certain further day after that limited by our proclamation; and within the time so assigned Scoland has purchased his writ.

ORMESBY J. Your argument is tantamount to challenging and disputing the King's authority, and that is what we cannot do.

*Passeley.* The statute enacts that where the writ is received after the day limited by the proclamation the proceedings fall to the ground.

STAUNTON J. We hold the King's authority for what we are doing, and so we must go on with the case. If you allege error, sue out a writ.

*Stonore.* Once again, Sir, we submit that you ought not to award this jury; for, Sir, you see that Scoland's object is to reverse the judgment founded on the original verdict; now that original judgment, we say, has never been executed, for we have never received a penny of our damages.

Then the Justices referred to the record of the original assize, and found that the damages were taxed at £15, of which the complainant had given five marks to the clerks. And upon this, all the rest of the £15 Scoland did then and there tender at the bar and pay into court;





& paia meyntenant en la place, & la furent les deners countez, & ceo fist il pur ceo qe fut dit qe il covendroit qe le jugement del primer<sup>1</sup> assise feust pourmy en checun point.

*Stonore* uncore, Sire, nentendons mie &c qe a cesti bref deive estre response qar il<sup>2</sup> bie reverser le jugement sur la primer assise & ad fet sommoundre W.<sup>3</sup> Grauntson come tenant, & la vous dioms nous qe Roise qi fust la femme Richard Scoland est tenant de la terce partie des tenementz & fust jour del bref purchace, & un Jon de B. est tenant de la quarte partie dun mies<sup>4</sup> & feust jour del bref &c, jugement de bref.

<sup>5</sup> SPIGURNEL il ne bye fors qe soulement ateiendre un faus serment & a ceo vous poez estre partie saunz Roise & Jon.<sup>5</sup>

*Fris.*<sup>6</sup> il ne bye mie soulement dateindre un faus serment mes a reverser le jugement &c & reavoir les tenementz qil perdist<sup>7</sup> par assise, les queux tenementz sount en autrui tenaunce, les queus il covendra fere partie avant qe les tenementz soient derenez<sup>8</sup> qar nous ne pooms mie perdre ceo qest en autrui tenance.

HERVI & sil deyvent estre somons formez<sup>9</sup> le bref.

*Fris.* Summone Willelmum qui tantum tenet & Roisam que tantum tenet & Johannem qui tantum tenet, &c.

HERVI il covent qe le original bref soit foundement de cesti bref & qil se acordent, mes de sommoundre autres en cest bref qi ne furent nomez en le original serroit variaunce.

*Fris.* posons<sup>10</sup> qe W de Grauntsoun eust aliene touz les tenementz en diverse mayns, pout Willem perdre lour tenaunce? certes nenil<sup>11</sup> par quei<sup>11</sup> &c.

*Pas.* ad idem,<sup>12</sup> Jeo poos qe Willem fust mort & qe Fraunk porte tiel bref; il covendroit sommoundre le heir Willem, & si ne fust il mie partie a la primere assise.

SPIGURNEL oyl, mes la freyt le bref mencioun qe lassise passa entre son pere qe heir il est & Scoland.

HERVI peut estre qe Scoland, tut<sup>13</sup> soient les xij ateintz &c., ne veut recoverir mes ceo dount vous estes tenant, qar peut estre qil ad relesse & quiteclame a Roise & a J.

*Fris* nous devons regarder ceo qe le jugement serroyt si les xij fucent ateintz, mes ceo serroit a reverser tut le proces & reavoir touz les tenementz qe furent perduez, les queux il covent recoverir vers les

<sup>1</sup> *δ* omits primer. <sup>2</sup> *δ*, *ε* *adl* sire vous veez bien il porte cesty bref *ε*. <sup>3</sup> Simond de, *δ*. <sup>4</sup> <sup>1</sup> de ij parties, *δ*. <sup>5</sup> <sup>2</sup> *δ* omits. <sup>6</sup> SPIGURNEL, *δ*. <sup>7</sup> *δ* adds autrefethe. <sup>8</sup> destr[aint], *δ*. <sup>9</sup> affermez, *δ*. <sup>10</sup> Sire, jeo pos, *ε*. <sup>11</sup> <sup>11</sup> from *δ*, *ε*; *γ* omits. <sup>12</sup> *δ* omits ad idem. <sup>13</sup> *ε* omits Scoland, tut.



and the money was counted there. And this he did because it was said that the judgment of the first assize must be performed in every point.

*Stonore.* Upon yet another ground, Sir, we submit that we ought not to be called upon to answer this writ. The purpose of the appellant is to reverse the judgment of the former assize, and he has summoned W. Grandison as tenant. Now we tell you that Roesia, who was wife of Richard Scoland, is tenant of a third part of the tenements, and was so on the day the writ was purchased; and further that one John B. is tenant of a fourth part of a messuage, and was so on the day the writ was purchased; and so we crave judgment of the writ.

SPIGURNEL J. He is merely seeking to attain a false oath, and that is a matter which you can answer without Roesia and John.

*Friskency.* It is not merely a false oath he is seeking to attain, but he wants also to reverse the judgment etc., and to recover possession of tenements which he lost through that judgment. These tenements are now in the occupation of other people, and these tenants must be made parties before the tenements can be deraigned, for we cannot be deprived of what is in the tenancy of others.

STAUNTON J. If you say they ought to be summoned, what form of writ do you suggest?

*Friskency.* Summon William who holds so much, and Roesia who holds so much, and John who holds so much etc.

STAUNTON J. The writ in the present case must be founded upon and must be, in accord with, the original writ. To summon people who were not named in the original writ would be to create a variance.

*Friskency.* Suppose that W. Grandison had alienated all the tenements into different hands, can the tenancies of these be forfeited by anything William can do? Certainly not; wherefore etc.

*Passeley, ad idem.* Let us suppose that William is dead, and that Frank brings this writ. He must summon William's heir, and yet he was not a party to the first assize.

SPIGURNEL J. I agree; but in that case the writ would recite that the original assize passed between his father—and that he is his father's heir—and Scoland.

STAUNTON J. It is quite possible that Scoland, though he succeed in attainting the twelve, desires to recover only the lands of which you are tenant, and that he has released and quitclaimed to Roesia and to J.

*Friskency.* We have to consider what the judgment will be if Scoland succeeds in attainting the original jury. Its effect will surely be to annul all the previous proceedings and to restore to Scoland the lands which he lost. But these he must recover against those who



tenantz des tenementz & nient vers nous, par qei il covent qils soient somons &c., qar homme ne peut mie severer le jugement sur lateinte, qar il serroit graunt inconvenient si par cesti bref a la seute Scoland les xij fusent ateintz & qe Scoland recoverast les ij parties, peus vendroit Roise, vers qi Willeam porte lassise aussi bien come vers Scoland & recoversa vers lui &c, a qi lateinte est done aussi bien com a Scoland qar ele respondit al assise com tenant de la terce partie & fust trove disseiseresse &c, & portereit lateinte &c; cele ateinte poit dire qe les xij firent bon serment & sic serrount les xij ateintz & nient ateintz dune mesme chose, qi serroit inconvenient.

HERVI nient inconvenient a diverses regardz qar sil soient xx vers qi une assise est porte & homme recovre vers eus com vers disseisors, checun de eus peut aver lateinte severalment, & aussi bien celui qi ne<sup>1</sup> respond<sup>2</sup> nient com tenant mes soulement fust trove disseisor com peut cely qi<sup>3</sup> fust trove<sup>3</sup> tenant<sup>4</sup> & perdist &c.; & *Nota* qe dit fust qe cely qi ne respond<sup>1</sup> nient com tenant mes qest trove disseisor, il avera lateinte sur les damages & nient sur le gros &c.

*Cant* a dire en cesti bref qe un autre est tenant, ceo serroit dalegger noun tenure, mes en ceo bref ne serrez mie receu dalegger noun tenure nient plus qen<sup>6</sup> novel disseisine, mes en la<sup>7</sup> novel disseisine ne poez nient<sup>8</sup> alleger noutenure<sup>8</sup> &c qar le bref ne veut nule certeine tenaunce,<sup>9</sup> <sup>10</sup>par qey nen<sup>11</sup> cest bref<sup>12</sup> qest foundu sur la novel disseisine.

*Malm* Sire, a chacer nous de sommoundre Roise, ceo serroit d'entendre qe nous bioins aver au tiel proces vers Roise come vers Willem mes ceo ne pooms pas qar nous ne perdimes rien vers Roise ne ele ne recoveri rien vers nous. *Item*<sup>13</sup> Jeo poos qe qaunt W. portast lassise <sup>14</sup>vers Scoland & les autres qils<sup>15</sup> usent retenuz par verdit dassise & W. eust porte lateinte, la covendroit il qe W. eust somons touz ceus qi furent partie vers ly en le bref de novel disseisine & nient autres; aussi en ceo cas la ou Scoland perdi par<sup>16</sup> assise vers W. & ore porte

<sup>1</sup> *δ omits.*<sup>2-4</sup> com tenant, *δ.*<sup>3-9</sup> respondi cum, *ε.*<sup>5</sup> recovery, *δ.*<sup>6</sup> *δ adds* un bref de.<sup>7</sup> bref de, *δ.*<sup>8-9</sup> from *ε, δ; γ omits.*<sup>9</sup> tenant, *δ.*<sup>10-11</sup> ne nient plus ne veot, *ε.*<sup>10-12</sup> *δ omits.*<sup>13</sup> Estre ceo, *δ, ε.*<sup>14-15</sup> *δ omits.*<sup>15</sup> qe Franc e les autres, *ε.*<sup>16</sup> en ceste, *δ.*



now hold them, and not against us ; and so it follows that they should be summoned etc., for you cannot have on attain a judgment dealing with a portion only of the land in issue. It would manifestly be not at all in accord with this writ of Scoland's if the original twelve should be attainted, and he should thereupon recover two parcels of the land ; and that afterwards Roesia, who was equally with Scoland made a defendant by William in the original assize, and who has equally with Scoland the right to bring an attain— for she came before the assize as tenant of the third part, and was found by it to be a disseisress— should come and seek to recover against William by bringing an attain : for the result of her doing so might possibly be that the jury would find that the original jury had made true oath : and so, upon the same set of facts, you will have the same jury found both guilty and not guilty of making false oath ; and this is not consistent with reason.

**STAUNTON J.** There is no inconsistency if you look at things from the right point of view. Suppose an assize is brought against a score people, with the result that the plaintiff recovers against the whole of them as disseisors. Each one of the score may severally bring an attain ; those who, though they entered no formal appearance as tenants, were found to be disseisors equally with those who were formally found tenants and adjudged to lose their land. *Note* that it was said that one who does not enter appearance as tenant but is found to be a disseisor shall have his damages upon an attain assessed upon his actual loss and not on the gross etc.

*Cambridge.* To tell us in a writ of this kind that some other person is tenant is to allege non-tenure by us. But in a writ of this nature you are not allowed to plead non-tenure any more than you may do in novel disseisin, and in novel disseisin you may certainly not allege it, for the writ contemplates no certain tenancy ; and consequently the practice is the same under this writ, which is founded upon novel disseisin.

*Malberthorpe.* Sir, to drive us to summon Roesia is to tell us that we ought to take the same action against her as we are taking against William ; but this, as a matter of fact, we cannot do, for we have lost nothing to Roesia, nor has she recovered anything against us. Again, suppose that when William brought his assize against Scoland and the others, Scoland and the others had been continued in possession by the verdict of the jury, and that then William had brought an attain ; then, in those circumstances, William would rightly summon those who were against him under the writ of novel disseisin, and no others. So here in this case. Scoland lost in the assize brought by





lateinte, il ne doit sommoundre autres de oier la reconisance<sup>1</sup> mes cely vers qi il perdi & qi fust partie a ly en<sup>2</sup> la petite assise, & ceo ne fust ne soulement W. de Grauntson<sup>3</sup> &c.

*Pas* nous vous diroins le fet : <sup>4</sup> Roise tient partie de ceus tenementz qe W. de Grauntson recoveri vers Scoland, par qey ceo qe est en sa tenaunce com fraunk tenement il ne peut vers nous recoverir, par qei il covent qele soit somons.

HERVI vous navarez james en ateinte, sur quel bref qele soit porte, *Summone talem* qi taunt tient, mes soulement de oier la reconisance ; mes <sup>5</sup>si ele<sup>6</sup> dust estre somons, ceo covendroit qe fust par reson de sa tenaunce, saver *que terciam partem tenet*, mes tiel bref naverez james, ne ele ne doit estre somons de oier la reconisance de ceste juree qar ele ne fust mie partie a la petite assise vers Scoland. E dautre part, a sommoundre cele en ceste ateinte de oyr la reconisance &c qe peut porter lateinte de la terce partie qe ele perdi par lassise, aussi bien com peut Scoland de les ij parties,<sup>6</sup> serroit encountre resoun.

MUTFORD JUSTICE,<sup>7</sup> il prennent <sup>8</sup>tute lour<sup>8</sup> reson qe ceo qe ele tient partie<sup>9</sup> des tenementz qe Scoland perdi com estraunge purchaceresse & leqel a ceo qil dient Scoland ne peut nient recoverir vers Willem, par qey il lour semble qil covent qele soit fete partie en court a la demande qest fete de ceo dount ele est tenante.

Westcote Sire, oil, qar il peut estre qe Scoland ad relese a Roise & ceo ne peut <sup>10</sup>estre allegge<sup>10</sup> si ele ne soit fet partie en court, ne il ne gist en nul autrui bouche dalegger, <sup>11</sup>par quei<sup>11</sup> &c.

ORMESBY il ne serra james chace de sommoundre autres qi ne furent partie a la petite assise sur qele &c, qar quant le jugement sur la petite assise est defet nous tenoms touz les alienaciouns del meen temps anente, viz. del temps qe le jugement passa sur la petite assise taunt qe al temps qil est reverse par ateinte.

HERVI nous ne tenoms nient plus de <sup>12</sup>tieles<sup>12</sup> alienaciouns en le meen temps *ut supra* qe <sup>13</sup>nous ne fesoms<sup>13</sup> de alienacioun fet pendant un bref.

ORMESBY<sup>14</sup> tut ust Willem<sup>15</sup> aliene lentier, nul autre ne serroit somons qe lui, qar qel alienacioun seit fet, james ne serra autre somons de oyr &c fors qe cely qi feust partie al assise ou son heir.

<sup>1</sup> lateinte, δ. <sup>2</sup> ly en. from δ, ε ; γ omits.

qar nous vous dioms qe.

<sup>3-5</sup> il, δ.

<sup>4</sup> δ adds *purquei*.

<sup>4</sup> δ, ε add

<sup>6</sup> δ adds *qe*.

<sup>7</sup> δ, ε omit.

<sup>8-9</sup> tut le jour, δ.

<sup>9</sup> ε omits *partie*.

<sup>10-11</sup> peut ele allegger, δ, ε.

<sup>11-12</sup> from δ, ε ; γ omits.

<sup>12-13</sup> δ omits.

<sup>12-13</sup> from δ, ε.

<sup>14</sup> For

ORMESBY δ has *qar*, continuing STAUNTON'S speech.

<sup>15</sup> il, δ.



W.; and now he brings an attaint, and he need not summon to hear the recognition any others than him only against whom he lost, and who appeared against him in the petty assize, that is to say, W. Grandison only.

*Passaley.* We will tell you the actual facts. Roesia holds a parcel of the lands which W. Grandison recovered from Scoland. Now, since Scoland cannot recover from us that which Roesia holds as freehold, she ought to be summoned.

STAUNTON J. You never get in attaint, no matter on what particular writ it be brought, the words 'Summon such an one who holds so much,' but simply 'Summon such an one to hear the recognition.' Now the only assignable reason for summoning Roesia is the fact of her tenancy, to wit, as tenant of the third part; but you will never find a writ running in such terms; and she ought not to be summoned to hear the recognition of this jury because she was not a party to the petty assize against Scoland. On the other hand, to summon here in this attaint to hear the recognition of the jury one who has the same right to bring an attaint in respect of the third part which she lost through the assize as Scoland has in respect of the two parcels would be absurd.

MUTFORD J. The argument for summoning her seems to amount to this, that she holds, as a strange purchaser, a parcel of the tenements which Scoland lost, and that what she holds Scoland cannot recover as against William; consequently, they say, she ought to be made party in a matter wherein it is sought to recover the parcel of which she is tenant.

*Westcote.* That is so, Sir; also it may well be that Scoland has released to Roesia, and that is a matter which cannot be pleaded, unless Roesia be made a party in court, for it lies in the mouth of no one else to allege it, wherefore etc.

ORMESBY J. He can never be compelled to summon others than those who were parties to the petty assize upon which etc., for should the judgment founded upon the petty assize be reversed we shall ignore all mesne alienations, that is to say all alienations made between the date of the judgment rendered on the finding of the petty assize and the date of its reversal upon attaint.

STAUNTON J. We can no more recognize such mesne alienations than we can recognise an alienation made subsequently to a writ.

ORMESBY J. Though William had alienated the entirety, no one but himself would be summoned; for, no matter how much had been alienated, no writ of summons to hear the recognition will ever issue except to one who was a party at the assize or to his heir.



*Pas il peut estre qe les tenementz soient devenuz en diverses mayns par fyn ou en autre manere peus &c, & qe checun fast tenuz de garantir autre; ou devendreit cele garantie &c?*

ORMESBY nous avoms regard soulement al temps qe la petite assise passa, & rien al meen temps.

HERVI ceo qe vous avez dit de <sup>1</sup>ceo qe<sup>1</sup> Roise est tenant &c nous entroms en roule, par qey<sup>2</sup> si vous volez plus dire ditez le.

Hertepol nous conceileroms ove les xij de la primere assise a voz congez.

HERVI fetez donqe.

Par qey Willem de Grauntson & son conseil conceilerent ove <sup>3</sup>celes des<sup>3</sup> xii &c revynt & dit par—

*Stonore Sire, vous veez coment Fraunk Scoland porte ceste ateinte & bie dateindre les xii &c de faus serment & reverser le jugement sur le gros de la petite assise, & le bref veut qe reconu soit par le serment de xxiiij si Scoland &<sup>4</sup> les autres &c disseisirent Willem de Grauntson de son franktenement, & issint est le bref<sup>5</sup> garant a prendre <sup>6</sup>ceste juree soulement<sup>6</sup> sur le gros &c; & vous veez coment il ount fet lour plainte qil firent un faus serment en taunt com ils disent qe G. avoit fet<sup>7</sup> une quitecleime a Richard &c, & des damages &c, & de ceo qil disent qe Richard tint de Willem, la qele plainte nest pas del gros, <sup>8</sup>einz de chose qe furent<sup>9</sup> alegge en pledant en evidence. Jugement si sur tiele plainte, qe nest pas de gros ne dateindre eus sur le gros voilez la jaree prendre.*

*Malm les choses de qeus nous avoms pleintz qil firent faus serment furent cause del jugement sur lassise &c, par qei li amounte a taunt com a pleindre du gros, &c.*

SPIGURNEL de checune chose de qele <sup>10</sup>justices prennent<sup>10</sup> cause de lour<sup>11</sup> jugement peut homme aver lateinte, par qey &c, com en cas si un enfaunt<sup>12</sup> porte assise de novel disseisine vers un homme & il die qe assise ne doit estre qar il ne cleime rien en les tenementz &c si noun garde taunt qe a son age demene qi porte le bref pur ceo qe son pere tint de lui les tenementz par services qe donnent garde;

<sup>1-1</sup> qi, &.  
touz.

<sup>2</sup> & adds W. de G.  
<sup>5</sup> & omits bref.

<sup>6-6</sup> jour, &.

<sup>10-10</sup> la justice prent, &.

<sup>3-3</sup> from &, & ;

<sup>4</sup> has les.

<sup>7</sup> & omits fet.

<sup>12</sup> & adds denz age.

<sup>8-1</sup> ne qe nest pas, &.



*Passeley.* It may be that the tenements have subsequently passed into divers hands by fine or in some other way, and that each party was bound to warrant the other. What will become of such a warranty ?

ORMESBY J. We have to consider only the state of affairs at the time of the petty assize. With what has happened since we have nothing to do.

STAUNTON J. We will enter upon the roll what they say as to Roesia being tenant ; and so, if there is anything else you want to say, say it.

*Hartlepool.* With your leave we will imparl with the twelve of the first assize.

STAUNTON J. Very well.

Thereupon William Grandison's counsel consulted with the counsel of the twelve etc. ; and, when they returned into court, it was said by—

*Stonore.* Sir, you see how this attainit is brought by Frank Scoland, who seeks to attainit the twelve etc. of making false oath, and to have the judgment based upon the general finding of the petty assize reversed. The writ claims to have it recognized by the verdict of the four and twenty whether Scoland and the others disseised William Grandison of his freehold. Consequently, under this writ, the present jury can only either simply confirm or simply reverse the verdict of the original jury. Now you see how the plaint is laid, to wit, that the jury made false oath inasmuch as they found that G. had quitclaimed to Richard etc., and had laid the damages at so much, and had found that Richard held of William. Now all this does not go to the general issue, but merely to particular matters which were put forward in evidence during the hearing. We ask for judgment whether upon a plaint like this, which does not go to the general issue, nor to attainting the original jury on the general issue, a jury should be awarded.

*Malberthorpe.* The matters concerning which we have made plaint that they made false oath were the matters upon which the judgment at the assize was based ; and so to plead the falsity of these is the same thing as pleading the general issue.

SPIGURNEL J. All findings of fact upon which the court bases its judgment are open to be attained. For instance, if an infant brings an assize of novel disseisin against some one, and the defendant says that an assize should not be granted because he claims nothing in the tenements except wardship up to the time the bringer of the assize come of age, and this for the reason that the infant's father held of him by services which involve wardship ; and the infant replies that





<sup>1</sup> Lenfant direit qe son pere ne tint nient de lui; Lassise vendra & dirra qil tint de lui; <sup>2</sup> Lenfant en ceo cas avereit lateinto, & encore ne passa mie lassise sur le gros, aussi hic.

<sup>3</sup> HERVI volez autre chose dire ou nous agarderoms la juree.<sup>4</sup>

Et ils ne saverent autre chose dire qe ils navoient<sup>5</sup> edit devant, par qey<sup>7</sup> les xxiiij furent demandez & vindrent, & le primer juror<sup>8</sup> fust charge par SPIGURNEL sic.<sup>9</sup>

Ceo oiez vous justices qe jeo<sup>10</sup> verite diray<sup>11</sup> de ceste assise & del fraunktenement dount jeo ay<sup>12</sup> la vewe fet<sup>13</sup> par comaundment de roi & de serment de xii<sup>14</sup> & pur rien ne lerray &c; & peus les autres &c au tiel serment &c. peus juree les xxiiij esluz par assent des parties & de ceus qi furent la de les xii qar lour chalaunge fust alowe vers<sup>15</sup> le juree<sup>16</sup> de xxiiij aussi bien com de parties.

SPIGURNEL lour rehercea le play del assise & le verdit de xii & les chargea a dire le qel les xii firent<sup>16</sup> faus serment<sup>17</sup> ou noun<sup>18</sup> en<sup>19</sup> taunt com il disent qe G. avoit relesse & quiteclame a Richard<sup>20</sup> &c tut le droit &c &<sup>21</sup> en taunt come ils disent qe Richard tint de Willem de Grauntsom, &<sup>22</sup> de damages &c *ut supra*.

Les queux vindrent & disent qe les xii firent faus serment en taunt com ils disent qe G. avoit fet une quitecleime<sup>23</sup> a Richard,<sup>24</sup> qar unques ne fust nule fete, & disent qil firent bon serment en taunt com ils disent qe Richard fist homage a Willem de Grauntsom, &<sup>25</sup> disent qen droit des damages ils firent faus serment<sup>26</sup> de touz les damages qar la chose fust amende & nient empeire, &c.

SPIGURNEL<sup>26</sup> pur ceo qe<sup>27</sup> trove est par ceste Juree<sup>28</sup> qe les xii firent<sup>29</sup> faus serment<sup>30</sup> en taunt com il disent qe G. avoit quiteclame a Richard &c. & en tant com il assistent les damages la<sup>31</sup> ou les tenementz ne la partie ne furent nient endamagiez &c,<sup>32</sup> mes entant com ils dient qil firent bon serment de ceo qe Richard fist homage a Willem de Grauntsom, <sup>33</sup> nous tenoms cel homage fet<sup>34</sup> de fet & nient ne droit.

<sup>1-2</sup> *δ omits.*    <sup>3-5</sup> Et la jure fut agarde, *δ.*    <sup>4-1</sup> from *δ, ε; γ omits.*    <sup>6-7</sup> &c et, *δ.*    <sup>8-9</sup> charge jurra en tiel maner, *δ*; fust charge issint, *ε.*    <sup>9</sup> The oath which follows is given by *η.*    <sup>10-11</sup> vous, *η*; jeo leaument et, *δ.*    <sup>11</sup> direit, *η.*    <sup>12</sup> vous avet, *η.*    <sup>13</sup> from *δ, ε, η; γ omits.*    <sup>14</sup> *η adds* sil aveint fet, <sup>15, 16</sup> les jurez, *ε.*    <sup>16</sup> aveint fet, *η.*    <sup>17-18</sup> *η omits.*    <sup>18-19</sup> *δ omits.*    <sup>20-21</sup> *η omits.*    <sup>22</sup> *δ adds* ly fesoit homaige et en dreit.    <sup>23-24</sup> *δ omits.*    <sup>25</sup> mes, *δ.*    The rest of the verdict is given by *η* as follows:—

<sup>26</sup> estre ceo il disoient qil auoit fet faus serment de damages en tant com il taxerunt a xv. li la ou la terre fut enblae a la value de xl. li.<sup>27</sup>

<sup>28</sup> From here to end of verdict *δ* reads:—

<sup>29</sup> qil assisterent pas damages pur ceo qe lemblaoure plus assez qe les xv. li qil auoint assis pur damages.<sup>30</sup>

<sup>31-32</sup> *η omits.*    <sup>33-34</sup> *adds* de xxiiii.    <sup>35-36</sup> qe vous de la petite assise avet fet, *η.*    <sup>37</sup> *η omits* from here to note 4, *pass.* 167.    <sup>38</sup> *δ adds* partie.    <sup>39</sup> einz plus amendez, *δ.*    <sup>40-41</sup> le quel homage fut, *δ.*



his father held nothing of him ; and then the assize comes and says that he did hold of him. Here the infant may have attain, and yet the assize did not pass upon the general issue, and so here.

STAUNTON J. You had better say something else, or we shall award the jury.

And they did not know what else to say further than what they had already said ; and so the four and twenty were called, and they came, and the first juror was sworn by SPIGURNEL J. in this wise :

'Hearken ye to this, ye Justices. I will return true verdict of this inquest and of the freehold of which I have had view by command of the King, and of the oath of the twelve ; and in naught will I fail me etc.' And then were the others sworn in like fashion. These four and twenty jurors were chosen with the assent of the parties and of such of the jury of twelve as were present, for these were allowed equal right of challenge regarding the jury of four and twenty as was allowed to the parties.

SPIGURNEL J. recited the pleadings at the assize and the verdict of the twelve, and charged the jury to find whether the twelve made false oath or not when they found that G. had released and quitclaimed to Richard etc. all the right etc., and also in finding that Richard held of William Grandison, and in the matter of damages etc. as above.

And the four and twenty came and said that the twelve had made false oath in finding that G. had made a quitclaim to Richard : the truth being that he never had made one. That they had made true oath in finding that Richard had done homage to William Grandison ; and that they had made false oath in the matter of damages, there being no damage at all, as the value of the land had been increased and not diminished.

SPIGURNEL J. Because this jury has found that the twelve made false oath in finding that G. had quitclaimed to Richard etc., and in finding damages where no damage had accrued either to land or party, and that they made true oath in finding that Richard did homage to William Grandison, we rule that such homage, though in fact rendered, was not owed of right.



<sup>1</sup> SPIGURNEL Bone gent ore ditez nous com bien Frank est endamgee &c peus cel temps qil perdi par assise, & taxez les damages soulement eaunt regard a ceo dount Sire Willem est ore tenant.

Les queux disoient : Sire,<sup>2</sup> a viii<sup>3</sup>xx mares.

SPIGURNEL,<sup>4</sup> par quei agard la court<sup>5</sup> qe Fraunk Scoland reeit sa seisine par vewe de la juree de xxiiij de les ij parties des avantdit tenementz ove les apurtenances, les queux lavantdit Willem de Grauntson vers mesme cesti Frank com est avantdit recoveri, <sup>6</sup> horspris lavauntdit quarte partie de mies &c., les queus ij parties ove les apurtenances<sup>7</sup> horspris la dite quarte partie de mies<sup>8</sup> mesme cely Willem<sup>9</sup> tint le jour de bref de ceste juree purchase, & les avauntdit damages de xv mares<sup>10</sup> de ly avaunt levez & lamercement en qel lavantdit Fraunk fust amercie par <sup>11</sup> cele encheson, & qe Fraunk recoavere vers le avantdit Willem ses damages taxes par ceste juree a c & xl<sup>12</sup> mares<sup>13</sup> & Willem en la merci <sup>14</sup> & les avantditz neef de la primer assise aillent a la prisone & perdent fraunche ley a touz jours & lour biens & lour chateus a la volunte le roi ; & vous viscounte metez hors femmes & enfauntz & seisez lour terre en la meyn le roi & fetez estendre mesme les terres & la value del estepement,<sup>15</sup> nomenment des mesons, boys, pomers, perers & de tutes eschoses qe a strepement apendent, & nous certefiez.<sup>16</sup>

<sup>17</sup> Ceo est lenroulement du jugement & de la cause del jugement.

<sup>1-4</sup> *δ omits.*

<sup>2</sup> *ε omits Sire.*

<sup>3</sup> viii, *ε.*

<sup>4</sup> *ε omits Spigurnel.*

<sup>5</sup> *η ends thus :—*

<sup>6</sup> qe vous desormes perdet fraunche ley, vos cors a la prisone, bienz et chateus a la volunte le Roy ; et qe Geoffray de Scoland recouere vers Willem Granzoun ceo qil tient, et lez xv. li. les queus W. de Graunzoun recouera vers Frank de Scoland a lautre assise et ces damages de meen tens pus le recouerer W. de G. de vij mars et, Viconte, fetes nous a sauer ceo qe les terres de xij de la petite assise valent par an, et ceo qe lestroppement de mesons et gardeins et boys puissent valer au Roy, etc.<sup>7</sup>

<sup>6-7</sup> *δ omits.* <sup>8</sup> mesmes les tenementz qe, *δ.* <sup>9</sup> G., *δ.* <sup>10</sup> livres, *δ, ε.* <sup>11-13</sup> lenqueste avantdit, *δ.* <sup>12</sup> lx, *ε.* <sup>14-16</sup> *δ* reads as follows :—

<sup>17</sup> Et vous qestes icy qi fustes en la petit assise, qe vous perdez desoreavant franch ley pour touz iours et vos bienz et vos chateus a la volunte le Roi et vos corps a la prisone.

<sup>18</sup> Srio. a les xxiiij : Ore est F. resuscite a son primer estat, ore parlez des damages qe F. ad en le meen temps, et eez regard si noun soulement a la terre qe W. de G. tient ; et la jure assist les damages en le meen temps a vj. marz. Dounce jugement se prist qil recouery etc. Dount F. dona xx. mars as clers, c. s. as mareschal, c. marz as clerz le viconte, xx. s. as criours.

<sup>19</sup> STANT. Pernez les terres de touz qe sunt atteintz en la mayn le Roi et chateus et qan qil y ad en universe mounde, et sil y ad nules chateus alloignez pus le bref purchase, estreitement enquerrez en qi meynz qil seint deuenuz et nous fetes asauer, et mettez hors alhuys femme et enfantz, et fetes estendre terres et tenementz, sauer de boys, pomers et quanqe il ad, etc.<sup>1</sup>

<sup>15</sup> estrepement, *ε.* <sup>16</sup> *ε adds* En le dos de ceste escroette trouverez lenroulement du jugement e la cause. This *enroulement* consists of a small square of parchment bound in with the larger leaves of the book. <sup>17</sup> *ε omits this heading.*



SPIGURNEL J. Good people, tell us now what damage Frank has received since the time when the assize found against him ; and, in assessing the damages, you must take into consideration only the land which Sir William now holds.

And they answered : Sir, we assess them at seven score of marks.

SPIGURNEL J. Then the Court awards that Frank Seoland do recover his seisin of the two parcels of the aforementioned tenements and their appurtenances, after view by the jury of four and twenty, the which tenements, save and except the said fourth part of a messuage etc., the aforesaid William Grandison recovered as is aforesaid against this same Frank, and which two parcels, always excepting the said fourth part of a messuage, the said William held on the day of the writ for this jury purchased ; and also that the said Frank do recover the damage of fifteen marks formerly levied upon him, and the amount in which he was by reason thereof amerced ; and that he do recover against the said William his damages, taxed by this jury at the sum of a hundred and forty marks, and that William be in mercy ; and that the aforesaid nine of the first assize do go to prison and forfeit their law-worthiness for ever, and that their goods and chattels be at the King's disposition. And do you, Sheriff, oust their wives and children, and seize their lands into the King's hand, and have these same lands valued, and the value of the estrepement ascertained, that is to say, of houses, woods, apple-orchards and pear-orchards, and of all that is appurtenant to the estrepement, and certify us thereof.

This is the enrolment of the judgment and of the reason of the judgment.





Et quia tam ex parte Willelmi predicti quam ex parte predicti Franconis cognitum<sup>1</sup> est quod predictus Galfridus dedit predicto Ricardo predicta tenementa in fido talliato sicut predictum est prout in recordo & processu assise predictæ continetur & predictus Willelmus de Grandi sono alium titulum liberi tenementi non clamat in tenementis predictis nisi tantum quod dixit quod predictus Ricardus habuit simplex feodum in tenementis illis per quietam clamacionem quam dixit predictum Galfridum inde fecisse eidem Ricardo tenendum<sup>2</sup> sibi et heredibus suis<sup>3</sup> de capitali domino feodi illius & quod idem Ricardus fuit Bastardus & obiit sine herede de se & tenuit de ipso Willelmo ut de capitali domino &c. Et quia convictum est per juratam istam xxiiij &c, quod predictus Galfridus non remisit predicto Ricardo jus & clamium quod habuit in tenementis predictis<sup>4</sup> nec aliam quietam clamacionem inde ei fecit<sup>5</sup> & quod jurata assise predictæ falsum in hoc fecerunt sacramentum ut predictum est. Per<sup>6</sup> quod liquet quod liberum tenementum non accrevit predicto Willelmo ratione eschaete in predictis tenementis nec idem Willelmus alium titulum liberi tenementi in hac parte clamat nisi tantum ratione eschaete qui quidem titulus<sup>7</sup> quasi nullus<sup>8</sup> convincitur<sup>9</sup> per Juratam istam & per consequens predictus Willelmus non potest in hac parte disseisiri<sup>10</sup> sicut consideratum<sup>11</sup> fuit pretextu recognicionis assise predictæ. Ideo consideratum est quod predictus Franco rehebeat seisinam suam per visum jurate xxiij de duabus partibus predictorum tenementorum cum pertinentiis que predictus Willelmus de Grandi sono versus ipsum Franconem ut predictur recuperavit<sup>12</sup> excepta predicta quarta parte mesagii &c. quas duas partes cum pertinentiis excepta dicta quarta parte mesagii &c. idem Willelmus tenet & tenuit die impetracionis brevis istius jurate & predicta dampna xv li. prius de ipso levata & amerciamentum ad quod idem Franco amerciatus fuit occasione predicta & quod idem Franco recuperet versus predictum Willelmum predicta dampna sua taxata per juratam istam<sup>13</sup> ad cxl<sup>14</sup> marcas & Willelmus in misericordia & predicti ix<sup>15</sup> jurati assise predictæ committantur gaole<sup>16</sup> de Flete<sup>17</sup> & amittant legem liberalem imperpetuum &c.

<sup>1</sup> compertum, δ.      <sup>2-3</sup> from ε.      <sup>4-5</sup> in aliqua quieta clamacione sibi inde facta, δ.      <sup>6</sup> et, δ.      <sup>7-8</sup> pro nullo, ε.      <sup>9</sup> continetur, δ.      <sup>10</sup> differri, δ.

<sup>11</sup> concessum, δ.      <sup>12</sup> δ omits recuperavit.

<sup>13-15</sup> ad cxl, ε; scilicet xl, δ.      <sup>16-17</sup> δ omits ix.      <sup>18-19</sup> from δ; γ, ε omitt.



And because as well on the part of the said William as on the part of the said Frank it is admitted that the aforesaid Geoffrey granted to the said Richard the said tenements in fee tail as is aforesaid, as in the record and proceedings of the aforesaid assize is set out ; and that the said William Grandison claims no other title to freehold in the aforesaid tenements than is involved in his, William's, statement that the said Richard had the fee simple of those tenements by force of the quitclaim which he, William, said that the aforesaid Geoffrey had made to the said Richard, confirming the said tenements to the said Richard and his heirs to be holden of the chief lord of that demesne land, and that he, William, said that the aforesaid Richard was a bastard and died without heir of his body, and that at the time of his death he held of him, William, as chief lord etc. ; and whereas, further it is found by that same jury of four and twenty that the aforesaid Geoffrey did not release to the aforesaid Richard his full right and title which he had in the aforesaid tenements nor make any other quitclaim in respect of them to him ; and that consequently the jury of the aforesaid assize made false oath in respect of all this as is aforesaid, therefore it plainly follows that the freehold did not accrue to the aforesaid William by way of escheat of the aforesaid tenements, and that, since the said William makes no claim to freehold in the said tenements except by right of escheat, which alleged right this present jury has found to have no existence, the said William is incapable of being so disseised as he was adjudged to be by reason of the recognition of the said jury. Therefore it is now adjudged that the said Frank recover his seisin, after view by the four and twenty, of the two parcels of the aforesaid tenements with the appurtenances thereof which the aforesaid W. Grandison recovered against the same Frank as is aforesaid, with the exception of the said fourth part of a messuage etc., which said two parcels with their appurtenances, always excepting the said fourth part of a messuage etc., the said William holds and did hold on the day of the issuing of the writ for this present inquest, and that he also recover the aforesaid damages of fifteen pounds previously levied upon him, and also the amercement in which the said Frank was amerced by reason of the premises ; and also that the said Frank recover against the said William his said damages taxed by this present jury at the sum of one hundred and forty marks ; and William is adjudged to be in mercy, and the said nine jurors of the aforesaid assize are committed to the Fleet gaol and are for ever deprived of their law-worthiness.



<sup>1</sup> Peus les ix de la petite assise fesoient fyn al roi &c.<sup>2</sup>

<sup>1</sup> The ending in *e* is :—

<sup>2</sup> Postea iidem novem assise predictae fecerunt finem cum rege.

The uncollatable portion of *η* is set out below :—

*Malm.* Damages furent agardes de .xv. li. dount vous donastes lez c. s. a clers de qens vous ne poet a ore auantage auer, et qant a .x. li. veit lez cy etc., et les autres les ressurent.

*Stonore.* Par ceo bref de ateinte estes vous en biance de atendre les jorours de la primere assise, et auer les tenemenz perduz par la primere assise, et vous dioms qe une Royse qi fut la feme Ricard de Scoland est tenant huy ceo jour de la terce partie de tenemenz et fut le bref purchase, nient nome, jugement etc.

*Caunt.* En cete bref ne en bref de nouel disseisine nest pas compris certeine demande sicom en le *precipe quod reddat* ou en mordancestre, pur quei vous ne poet cete bref abatre par noun tenure.

*ORMESBIE.* Ceo qil dient ne est pas proprement noun tenure, qil ne pernent pas lour excepcion a bref, enz font de record de altre play.

*STAUNT.* En bref de ateinte vous ne aueret altre en le somons for qe celi qi recouera ou son heir, pur quei si vous volet abatre ceo bref covent le meilour.

*Fris.* Il point auer dit en le somons *Sumone Roisium que tantum terram modo tenet.*

*SPIG.* En ateinte done sur nouel disseisine vous naueret jammes *tenet.*

*Fris.* Si les xxliij diseient qe fauz serment fut fet donqe recoueroit les tenemenz avant perduz, et ceo ne put il pas ne nous, pur ceo qe Johan et Royse tenent partie, de quei sil seient ouste il recouerent par assise.

*STAUNT.* Put estre qil ad relese et quiteclame a Johan et a Royse ceo qil tenent, pur quei il ne veit pas sure vers euz, ne respondez vous donqe de ceo qe vous tenet, *quasi diceret sic.*

*Fris.* Sa volunte ne purra a ore estre ajugge le qel il voile altre fethe sure vers Johan et Royse ou ne mie, mes si nous a ore respondoms et les xxliij deisent qe faus serment fut fet, pur quei il recouera vers nous, et altre fethe porte une altre ateinte vers Johan et Roise et lez .xxliij., de la seconde ateinte point par cas dire le contraire et issint un ateinte atendra un autre.

*Malm.* Nous ne pouns cete ateinte auer sinon vers celi qi recouera, mes Royse [ne] recouera uers nous, einz perdist com tenant de la terce partie, et depuis qe soul recouera vers nous, jugement si mester nous seit de autres nomer, etc.

*ORM.* Si Royse fut tenant en assise de nouel disseisine et perdit la terce partie voustes sure lateinte qi la deuieroit, etc. Qar cete une qe [a] cete seuerale tenance et perd put user lateinte seueralment, mes ore est issint qe Franc ne est a recouerer vers nous mes ceo qil perdit, nestu pas de nomer autres qe vous en la somons de lateinte.

*Fris.* De ceo qe nous recouerames vers vous en assise de nouel disseisine si tient Royse la terce partie et par purchas de pune tens, la qel tenance nous ne pouns perdre, jugement.

*SPIG.* Accordance doit estre entre le bref original et lateinte, mes si autre seit nome en la somons qe Willem qi recouera, il abateroit par variance, pur quei, etc.

*Fris.* Ausi sereit de alienacion de partie com de lentier, mes si Willem ust aliene lentier apres son recouerer lateinte girreit pas vers ly sanz nomer le tenant en la somons, qar si lateinte fut meintenuz le tenant perdroit sa garantie.

*STANT.* Tot ust il aliene lentier apres son recouerer il ne auerit jammes lateinte sinon vers ly ou vers son heir, qar vous ne auerit iammes le tenant en ateinte.

*Pass.* Fut issi qe partie de tenemenz furent alienes par fyn pus le primer



Afterwards the nine of the petty assize made fine with the King etc.<sup>1</sup>

<sup>1</sup> Severally in sums varying from one pound to forty pounds.—E. R.

recouerer ov la garantie, si le tenant ne fut nome ou demeindreit la fyn et la garantie ?

*ORM.* Eit son recouerert par bref de garantie de chartre.

*Fris.* Ceo ne auera il point qar il nest pas enplede.

*Malm.* Quant le pleintif recouere en assise de nouel disseisine le tenant qi perlit ne put auer lateinte sinon vers celi qi recouera, mes si assise contre le pleintif il ly couendra porter lateinte vers tous ieus qi furent nomes en le original tenanz et disseisours, et depus qe vous fustes pleintif et recouerastes en lassise etc. il semble qe cet atteinte vers vous soul est bone.

*Westcote.* Si Frank qi ore porte cete atceinte ust relese et quiteclame tot son dreit a Johan et Royse en lour tenance, si Frank recouerist vers nous par cete atteinte ou devendreit la quiteclame ?

*STANT.* Si faus serment de xij seit troue, qe nous agardoms seisine nous aviseroms. Estre ceo, si le bref si porte vers un qi seit tenant jour de bref purchase, tot aliene il, si le demandant recouere vers ly tote lez alienacions en le mien tens seront aconté pur nul, ausi en ceo cas de atteinte qe est dependant de un original, etc.

*SPIG.* Tous ceus qe sont nomes en assise encontre qeus assise passe point auer atceinte several, tot ne seit il a recouerert terre de ceo qil firent faus serment de damages et ceo vers celi tansoulement qi recouera terre et damages.

*Ston.* En checun bref qe depent de altre original seit il en erreur de Justices ou *scire facias* tens couent nomer celi qi tient la terre la quele il bie reauer, leqel qe le tenant seit avenus par purchas ou en altre forme, mes cet bref de altre original pur quei etc.

*STANT.* Vous dites bon si vous pusset auer bref de atceinte de somondre lez tenans, mes chancelerie ne donne iammes en atteinte *tenet*, mes a somondre celi qi fut partie a lassise de oier la reconisance, pur quei dites altre chose et nous entrons vos reasons.

*Hert.* Il couent qe nous joinoms a lez xij ; et issi feseient il et par assent de Justices.

*Ston.* Vous auet ey lez .xij. de la primere assise qi se joignent a Willem qi vous dient qil nentendent pas qe vous voiletz sur cel demustrance qil unt fet a cete Jure aler, qar le bref de atceinte veit qe hom face somondre xxiiij chivalers a reconustre par lour serment si Frank de Scoland et les autres etc. a tort et sanz jugement disseisirent Willena le Granzoun, et la demustrance qil unt fet dont il assignent faus serment estre fete ne for de une quiteclame fete a Richard en fee simple et de un altre point qe un Ricard dust tener de Willem, qe fut hors de gros de assise, puiset a cete Jure de xxiiij aler.

*SPIG.* Quant lez Jurours de assise dient un verdit de qel verdit court prient cause de agarder une disseisine, asset et lour verdit en gros de assise, mes le verdit qil rendirent ov lassise sur la quiteclame dona a la court de agarder une disseisine, pur quei lassise passa asset sur le gros.

Et Willem de Granzoun ne sauoit altre chose dire, pur quei il agardent la Jure qe remist a la journe, pur ceo qe les chivalers et les autres de la Jure ne aucint pas fet la vewe, nient arestant qe le bref de atceinte ne fet pas mencion de la vewe, etc. Et pus vindrent les xxiiij qi furent charge en cete manere.





## SCOLAND v. GRANDISON.

## II.

*Attincta.*

<sup>2</sup> Franke de Scolande porta une atteynte vers William de Grauntson de atteyndre la Jure de lassise qi passa autrefois entre euz et altrez nomez en le bref original, le verdit de quel assise ov le jugement fut allegge cum barre al accion mesme cesti Franke en le forme de doun qil porta vers meime cesti <sup>3</sup> Sire William<sup>3</sup> cum il piert en ple par aillours ou le breve fut tiel: Rex vicecomiti Kancie salutem. Si Franco de Scolando fecerit te securum de clamio suo prosequendo, tunc summane per bonos summonitores xxiiij legales milites de visneto de Hortone quod sint coram justiciariis nostris ad primam assisam cum in partes illas venerint parati sacramento recognoscere si idem Franco, Willelmus de Gloucestre, Hugo de O., Roesia que fuit uxor Ricardi de Scolando, Walterus P. et Rogerus le Falour injuste et sine judicio disseisiverunt Willelmum de Granson <sup>4</sup> de libero tenemento suo<sup>4</sup> in Horton post etc., unde idem Franco queritur quod Juratores assise noue disseisine, quam predictus Willelmus inde dudum coram dilectis et fidelibus nostris Roberto de Retteforde et Henrico Spigurnel tunc Justiciariis <sup>5</sup> domini Edwardi quondam Regis patris nostri<sup>5</sup> ad assisam capiendam assignatis versus prefatum Franconem, Walterum, Rogerum, Hugonem, Walterum<sup>6</sup> et Rogerum per breve ipsius patris nostris arrainavit<sup>7</sup> et que<sup>8</sup> postmodum inter eos coram eodem patre nostro summonita fuit et capta <sup>9</sup> apud Cantuariam,<sup>9</sup> falsum fecerunt sacramentum. Et interim diligenter inquiras qui fuerunt Juratores illius assise et eos habeas tunc coram prefatis Justiciariis nostris<sup>10</sup> ad prefatam assisam. Et summane per bonos summonitores predictum Willelmum quod tunc sit ibi auditurus<sup>11</sup> illam recognicionem. Et habeas ibi summonitores, nomina militum et hoc breve. Teste etc.<sup>12</sup>

Scolande vynt et pria la Jure. Sire William de Grantson et vij des premiers jurors vyndrent et le viceounte respondist<sup>13</sup> pur lij. <sup>14</sup> et dit qil<sup>14</sup> furent mortz, e de lij. qe les adoyt destreynt mes il ne vyndrent

sur défaut  
des petit  
Jurors Man-  
data Justi-  
ciariorum

<sup>1</sup> Text of this version taken from *γγ* collated with *aa*, *β*, and *ζ*. <sup>2</sup> *ζ* makes one report of the attain case and of previous unsuccessful proceedings by writ of *formedon* (*q.v.*); the report of the attain commences abruptly with the arguments of counsel. <sup>3-5</sup> &c., *aa*. <sup>6-7</sup> from *aa*; *γγ*, *β* omit. <sup>8-9</sup> domini regis quondam patris nostri Edwardi, *aa*, *β*. <sup>10</sup> Willelmum, *aa*. <sup>11</sup> arrainata, *aa*, *β*. <sup>12</sup> from *β*; *aa* omits; *γγ* has quat. <sup>13-14</sup> *β* omits. <sup>15</sup> *β* omits nostris. <sup>16</sup> [ad] audiendum, *β*. <sup>17</sup> meipso &c. anno vij. *aa*; meipso apud Westmonasterium xiii die Octobris anno regni nostri septimo, *β*. <sup>18</sup> returna, *aa*, *β*. <sup>19-20</sup> queux, *aa*, *β*.



## SCOLAND v. GRANDISON.

## II.

*Attaint.*

Frank Scoland brought an attaint against William Grandison and sought to attaint the jury of the assize which formerly passed between them and other parties named in the original writ; the verdict of that assize and the judgment founded upon it being alleged as barring an action of formedon which this same Frank brought against this same Sir William, as appears in the plea enrolled elsewhere. And the writ ran in this wise: The King to the Sheriff of Kent greeting. If Frank Scoland shall give you security for the prosecution of his complaint, then are you to summon by sufficient summoners four and twenty duly qualified knights of the venue of Horton that they give their attendance before our Justices at the first assize after they shall have come into those parts, ready to make recognition upon their oath whether the same Frank, William de Gloucester, Hugh de O., Roesia that was wife of Richard Scoland, Walter P. and Roger Fuller unjustly and in absence of judgment disseised William Grandison of his freehold in Horton after etc.; concerning which the said Frank complains that false oath was made by the jurors of the assize of novel disseisin which the aforesaid William formerly before our beloved and trusty Robert de Retford and Henry Spigurnel being at that time Justices of the lord Edward our father, lately King of England, assigned for holding such assizes, arraigned by writ of our said father, against the aforesaid Frank, Walter, Roger, Hugh, Walter and Roger, and which said assize was afterwards summoned to come together at Canterbury, and there passed between the parties in the presence of our said father. And in the meantime you shall diligently inquire who were the jurors of that assize, and you shall have them before our said Justices at the said assize. And you are to summon by sufficient summoners the said William that he give his attendance there to hear the recognition there to be made. And you shall have with you there summoners, the names of knights and this writ. Witness myself.

Scoland came and prayed the jury. Sir William Grandison and seven of the original jurors came; and the Sheriff answered for three more of these, who, he said, were dead; and for yet two others whom

*Judgment of  
the Court  
upon  
an attaint  
petty  
jurors.*



poynt, pur quei les Justices comaunderent<sup>1</sup> qil<sup>2</sup> moist hors<sup>3</sup> femmes et enfantz et qil preit la tere en la mayn le Roy et qil hust lour corps a certeyn jour deuant eux. E pus comanda a les parties a pleder.

Placitum

*Malm* pour Scoland rehera le proces de lassise et le verdit en fut le Record del process tiel<sup>4</sup>: Assisa venit recognitura si Willelmus de Glocestre, Hugo de Caustone, Franco de Scolande, Rosa que fuit uxor Ricardi di Scolande, Walterus Patel et Rogerus le Felour injuste et sine iudicio disseisiverunt Willelmum de Garanson de libero tenemento suo in Hortone iuxta Derteforde &c., et unde queritur quod disseisiverunt eum de uno mesuagio, ccc. acris terre, xvj. acris prati, c. acris bosci, iij.<sup>5</sup> li. vj. s. vj. d. ob. redditus,<sup>6</sup> de redditu vj. gallorum et xl. galinarum et de redditu cccc. xl. ovorum cum pertinenciis<sup>7</sup> &c. Et predicti Franco, Rosa, Rogerus et Willelmus in propria persona sua venerunt, et predicti Willelmus et Hugo non venerunt nec fuerunt attachiati eo quod non fuerunt inventi, set quidam Gilbertus ballivus eorum respondit pro eis. Et dicit quod nullam injuriam seu disseisinam eidem Willelmo fecerunt, et de hoc ponunt se super assisam. Et predicti Walterus et Rogerus dicunt quod nichil habent nec aliquid clamant in predictis tenementis nec aliquam injuriam seu disseisiam ei fecerunt, et de hoc ponunt se super assisam. Et predicta Rosa dicit quod ipsa tenet terciam partem predictorum tenementorum nomine dotis per assignacionem predicti Franconis post mortem Ricardi quondam viri sui. Et predictus Franco respondet ut tenens de residuo et dicit quod predicta tenementa fuerunt aliquo tempore in seisina cujusdam Galfridi de Scolande avunculi sui, qui quidem Galfridus inde feoffavit quemdam Ricardum filium suum habendum et tenendum sibi et heredibus suis de corpore suo legitime procreatis reddendo ipsi Galfrido et heredibus suis annuatim xx. marcas, ita quod si predictus Ricardus obierit sine herede de corpore suo legitime procreato tunc tenementa illa predicto Galfrido et heredibus suis revertantur<sup>8</sup> et remaneant.<sup>9</sup> Et dicit quod vivente Ricardo obiit Galfridus et similiter quidam Franco frater predicti Galfridi et pater Franconis qui nunc nominatur in brevi. Post quorum mortem,<sup>10</sup> ipso Francone infra etatem et in custodia domini Regis existente, venit predictus Walterus de Gloucestria tunc escaetor

<sup>1</sup> *γγ* has comaunda.    <sup>2</sup> *qe* le vicount, *aa*, *β*.    <sup>3</sup> *encynt*, *β*.    <sup>4</sup> The text of the Record is from *β* collated with *aa* and *γγ*.    <sup>5</sup> *ijj*, *γγ*.    <sup>6</sup> *γγ* omits.  
<sup>8</sup> *revertentur*, *γγ*.    <sup>9</sup> *remanerent*, *γγ*.    <sup>10</sup> *γγ* adds predictus Ricardus tenuit predicta tenementa et inde obiit seisitus post cujus mortem.



he had distrained, but yet they came not. And thereupon the Justices gave him charge to oust the wives and children of these two, and to take their lands into the King's hand, and to bring themselves before them on a certain day. And then they bade the parties to plead.

*Malberthorpe*, for Scoland, rehearsed the proceedings of the assize and the verdict; and the record of the proceedings was as follows :

The assize comes to recognise whether William de Gloucester, Plea.  
 Hugh Causton, Frank Scoland, Roesia that was wife of Richard Scoland, Walter Patel, and Roger Fuller unjustly and in default of judgment disseised William Grandison of his freehold in Horton near Dartford etc., concerning which the said William makes complaint that they disseised him of a certain messuage, three hundred acres of arable land, sixteen acres of meadow land, one hundred acres of woodland, of a rental of £4 6s. 6½d., of the profits arising from six cocks and forty hens, and of the profits arising from four hundred and forty eggs, together with the appurtenances of all these. And the aforesaid Frank, Roesia, Roger and William came personally, and the aforesaid William and Hugh did not come, neither were they attached, seeing that they could not be found, but a certain Gilbert their bailiff makes answer for them. And he says that no damage nor disseisin have they done to the said William, and that on this plea they put themselves on the assize. And the aforesaid Walter and Roger say that they have naught, nor do they claim aught, in the aforementioned tenements: and they further say that no damage nor disseisin have they done to the said William; and on this plea they put themselves on the assize. And the aforesaid Roesia says that she holds a third part of the said tenements by way of dower, by the assignment of the said Frank after the death of Richard that was aforetime her husband. And the said Frank answers as tenant of the residue, and says that the aforesaid tenements were at one time in the seisin of a certain Geoffrey Scoland, his uncle, and that this same Geoffrey infeoffed thereof a certain Richard, that was Geoffrey's son, to have and to hold to the said Richard and the heirs of his body lawfully begotten, paying to the said Geoffrey and his heirs a yearly rent of twenty marks, always provided that if the said Richard should die without heir of his body lawfully begotten then the said tenements should revert to and should remain to the aforesaid Geoffrey and his heirs. And the said Frank further says that the said Geoffrey died during the lifetime of Richard, as did also a certain Frank, being the brother of the said Geoffrey and the father of the Frank who is named in the present writ. After the death of these, while he, Frank, himself was still under age and in the wardship of our lord the King, came the aforesaid Walter de Gloucester, then being escheator, by





per Hugonem de Caustone invenit quod predictus Galfridus feoffavit predictum Ricardum de tenementis predictis in forma predicta. Et quod predictus Franco fuit nepos et heres propinquior predicti Galfridi et quod predicta tenementa ad ipsum Franconem qui nunc est tanquam ad propinquiorem ipsius Galfridi heredem juxta feoffamentum predicto Ricardo factum reverti debent<sup>1</sup> seisita sunt eadem tenementa in manum domini Regis ratione minoris etatis ipsius Franconis, ut predictum est, eo quod idem Ricardus alibi tenuit diversa tenementa in capite, et sic eadem tenementa in manu domini Regis tenuit usque ad etatem predicti Franconis. Et postea probata ipsius etate Franconis coram ipso eschaetore per breve domini Regis eidem eschaetori directum idem eschaetor reddidit predicta tenementa simul cum aliis tenementis in manu domini regis predicta occasione existentibus.<sup>2</sup> Et quod nullam injuriam seu diseisinam eidem Willelmo fecit. Et hoc petit quod inquiratur. Et predictus Willelmus de Grancon bene cognovit feoffamentum predicti Galfridi avunculi sui predicto Ricardo, &c. reddendo xx. marcas ut predictum est, set dicit quod postea, facta prelocucione<sup>3</sup> matrimonii inter predictum Ricardum et Roisiam contrahendi,<sup>4</sup> eo quod amici predictae Rose predicto matrimonio consentire voluerunt, dictus redditus extingueretur et idem Ricardus in predictis tenementis statum simplicem haberet, dictus Galfridus dietas xx. marcas una cum jure et clamio quod habuit in dictis tenementis pro se et heredibus suis dicto Ricardo remisit et quietum clamavit habendum et tenendum de capitalibus dominis feodi illius per servicia inde debita et consueta. Et dicit quod dictus Ricardus fecit inde homagium et fidelitatem Oteny de Grancon tunc domino manerii de King<sup>5</sup> ad quod predicta tenementa sunt pertinencia. Et predictus Oto dedit manerium illud cum pertinenciis predicto Willelmo de Grancon, cui predictus Ricardus fecit homagium et postea fidelitatem pro predictis tenementis, et inde fecit<sup>6</sup> scutagium et omnia alia servicia ad predicta tenementa pertinencia ut capitali domino. Et postea mortuo predicto Ricardo bastardo et sine herede de se, idem Willelmus eadem tenementa ut eschaeta intravit, et fuit inde in bona et pacifica seisina a festo Conversacionis<sup>7</sup> Sancti Pauli anno proximo preterito usque ad festum Sancte Margarete proximo<sup>8</sup> sequens<sup>10</sup> quousque prefatus Walterus

<sup>1</sup> deberent, γγ. <sup>2</sup> existente, γγ. <sup>3</sup> prelocucione, γγ. <sup>4</sup> contrahendam, γγ.  
<sup>5</sup> K., γγ. <sup>6</sup> γγ. adds ei. <sup>7</sup> conversionis, γγ. <sup>8-10</sup> etc. γγ. <sup>9</sup> proximum, an.



Hugh Causton [and] found that the said Geoffrey had enfeofed the aforesaid Richard of the aforesaid tenements in form aforesaid. And seeing that he, the said Frank, was nephew and nearest heir of the aforesaid Geoffrey, and that the aforesaid tenements ought to revert to him, this same Frank, being the nearest heir of the said Geoffrey, in accordance with the terms of the feoffment made to the aforesaid Richard, the said tenements were seized into the King's hand, by reason of the infancy of him, the said Frank, as aforesaid, because the said Richard held elsewhere divers other tenements in chief; and so, by reason of the premises he, the said Walter of Gloucester, held the aforesaid tenements in the King's hand until the full age of him, the said Frank. And upon it being afterwards proved to the aforesaid escheator in accordance with the terms of a writ, directed to him as such escheator by the King, that the said Frank had attained his full age, he, as escheator, restored to him the said tenements together with other tenements then being in the King's hand. And the said Frank further says that no damage nor disseisin did he do to the said William, and concerning this he prays that inquiry may be made. And the aforesaid William Grandison fully allowed the feoffment made to the aforesaid Richard by the aforesaid Geoffrey his uncle, and the rent of twenty marks to be paid by him therefor, as aforesaid; but he says that subsequently to such enfeofment proposals for a marriage between the aforesaid Richard and Roesia were made; and that, the friends of the aforesaid Roesia being willing to agree to such proposed marriage, the aforesaid rent was extinguished, to the effect that the said Richard held the aforesaid tenements in fee simple, the said Geoffrey, on behalf of himself and his heirs, releasing to the said Richard the said rent of twenty marks, and quitclaiming to him so that he should have and should hold the said tenements of the chief lords, rendering therefor the due and accustomed services. And he says further that the said Richard did homage and allegiance therefor to Otho Grandison, then being the lord of the manor of Kingsdown(?), to which manor the said tenements were appurtenant. And the said Otho granted the said manor with its appurtenances to the aforesaid William Grandison, to whom the aforesaid Richard afterwards did homage and allegiance for the said tenements, and therefor rendered to him, as to his chief lord, scutage and all other services pertaining to the said tenements. And when the said Richard died, being a bastard and leaving no heir, the aforesaid William entered upon the said tenements as escheats, and remained in quiet and undisturbed possession thereof from the feast of the Conversion of St. Paul in the next following year to the feast of Saint Margaret next following until the aforesaid Walter and



et alii, predicto Willelmo in proteccionem et servicio domini Regis in partibus Scocie existente, ipsum Willelmum injuste &c. disseisiverunt. Et petit quod inquiratur per assisam & alii similiter. Ideo capiatur assisa.

Juratores dicunt super sacramentum quod predictus Ricardus tenuit predicta tenementa de predicto Willelmo de Granson per homagium et servitium militare et obiit in eisdem tenementis seisis sine herede de corpore suo exeunte et fuit bastardus. Post mortem cujus idem Willelmus tanquam capitalis dominus intravit in eisdem tenementis ut eschaetam suam et eadem tenementa pacifice tenuit a predicto festo Conversionis Sancti Pauli anno regni Regis Edwardi patris Regis nunc xxix. usque ad festum Sancte Margarete Virginis proximo sequens. Et dicunt<sup>1</sup> quod predictus Hugo de Causton tunc subeschaetor ibidem venit pro eo quod idem Franco fuit infra etatem et in custodia domini Regis ratione aliorum tenementorum que alibi de domino Rege tenuit in capite et intelligere fecit Waltero eschaetori quod predicta tenementa fuerunt de hereditate sua propter quod eschaetor per Hugonem subeschaetorem suum cepit inquisitionem per quam compertum fuit quod predicta tenementa reverti debent predicto Franconi ut vero heredi predicti Galfridi per formam feoffamenti predicto Ricardo facti. Per quod idem eschaetor seisivit predicta tenementa in manu domini Regis. Et postea idem Franco tulit breve domini Regis predicto eschaetori de etate sua probanda, qua probata idem eschaetor seisinam predictorum tenementorum eidem Franconi liberavit. Requisiti si idem Galfridus remisit et quietum clamavit xx. marcas prefato Ricardo et heredibus suis et totum ius et clamium quod habuit in predictis tenementis<sup>2</sup> habenda et tenenda eadem tenementa<sup>2</sup> de capitalibus dominis feodi ut predictum est, dicunt quod sic. Quesiti si predictus Hugo et Walterus ceperunt inquisitionem predictam per breve domini Regis vel auctoritate sua propria, dicunt quod per breve domini Regis ut intelligunt. Requisiti qui predictorum fuerunt ad discisiam factam, dicunt quod omnes fuerunt presentes preter Willelmum de Gloucestria.

<sup>1</sup> dicit, aa.

<sup>2</sup> tenenda eadem, yy.



the other persons aforesaid the aforesaid William did unjustly etc. disseise, the said William being then within the protection and in the service of our lord the king in Scotland. And he begs that inquiry may be made by an assize, as do also the others. Therefore let an assize come.

The jurors upon their oath say that the aforesaid Richard held the aforesaid tenements of the aforesaid William Grandison by homage and military service, and that he died seised of the same tenements without leaving heir begotten of his body, and that he was a bastard. And that after the death of the said Richard the said William as chief lord entered upon the said tenements as his escheat, and of the same tenements did have undisturbed possession from the aforesaid feast of the Conversion of Saint Paul in the twenty-ninth year of the reign of King Edward the father of the King that now is till the feast of Saint Margaret the Virgin then next following. And they say further that the aforesaid Hugh Causton, then being sub-escheator, entered upon the said tenements by reason of the fact that the said Frank was within age and in the wardship of our lord the King, and seeing that he held other tenements in chief elsewhere of our lord the King: and did inform Walter the escheator that the said tenements were the heritage of him, Frank; for which reason the escheator by Hugh his sub-escheator did make inquisition; by which inquisition it was found that the aforesaid tenements ought to revert to the aforesaid Frank as the true heir of the aforesaid Geoffrey, in accordance with the terms of the feoffment made to the aforesaid Richard. By reason of all which the escheator seized the aforesaid tenements into the hand of our lord the King. And afterwards the said Frank, by writ of the King to the aforesaid escheator, had leave to prove his age; and upon his proving that he was of full age the said escheator released the seisin of the aforesaid tenements to the said Frank. And the jury, being asked whether the aforesaid Geoffrey had released and quitclaimed the twenty marks to the aforesaid Richard and his heirs and the full right and title which he, the said Geoffrey, had in the aforesaid tenements so that the said tenements should be had and held by them of the chief lords of the fee, as is aforesaid, say that so they find. And being asked whether the aforesaid Hugh and Walter made the aforesaid inquisition in obedience to the writ of our lord the King or by their own authority, say that, so far as they understand the matter, it was in obedience to the writ of our lord the King. And being further asked which of the several aforesaid persons were present at the effecting of the disseisin, they say that all of them, excepting William de Gloucester, were so present.





Judicium

Et quia predictus eschaetor ratione inquisitionis ex officio coram eo facto per quam invenit quod predicta tenementa reverti deberent predicto Franconi juxta formam feoffamenti predicti Galfridi seisivit predicta tenementa in manu domini Regis ratione predicta ut predictum est, et quia compertum est per recognitionem predictae assise quod predictus Galfridus eadem tenementa totum jus et clamium quod habuit in eisdem pro se et heredibus suis predicto Ricardo et heredibus suis postea remisit et quietum clamavit habenda et tenenda de capitalibus dominis feodi illius per servicia &c., per quam quietam clamacionem reversio predicta in ipso Galfrido et heredibus suis omnino se extinxit, et etiam compertum est quod predictus Ricardus pro predictis tenementis fecit homagium et fidelitatem predicto Willelmo de G., capitali domino suo et obiit bastardus sine herede de corpore suo procreato in homagio ipsius Willelmi, et idem Willelmus post mortem predicti Ricardi fuit in bona et pacifica seisinâ a festo Conversionis Sancti Pauli usque ad festum &c. ut predictum est quousque predictus Walterus et alii ipsum inde injuste &c. diseisiverunt, Consideratum est quod predictus Willelmus recuperet inde seisinam versus predictos Walterum et alios &c. de predictis tenementis per visum recognitorum et dampna sua que taxantur per eosdem ad xv. li. Et predicti Walterus et alii in misericordia &c.

*Malm.*<sup>1</sup> Sires vous avez bien entendu le record etc., et rehersa tut le Record et dit qe la ou lassise ad dit qe Geffrey relessa et quite-clama etc. et Richard pus cel reles satourna etc. Sire, nous vous dioms qe entant ad lassise fait fauls serment. Et dautre part en taunt qil ajugerent les damages a xv li. si vous dioms nous qil<sup>2</sup> unt fet faus serment, qar les tenementz furent au temps de cele recouerir emblaiez. le quel embleure<sup>3</sup> valut xl. s.<sup>4</sup> saunz regard auoyr a ceo, et prioms qe reconu soyt, etc.<sup>4</sup>

*Frisk*<sup>5</sup> la ou il porte ceste Jure<sup>6</sup> etc. sur verdit de xij. etc. nous vous dyoms qe les xij.<sup>7</sup> ne sont pas pleynement cy et nentendoums<sup>8</sup> qe saunz qe lez xij fusent cy pleynement voletz ceste jure prendre.

STAUNTON. Nous avons comaundement du Roy qe nous hastoms ceste Jure saunz rien targer, etc.

*Fris.* Il semble<sup>9</sup> qil covent targer ceste Jure tauntqe vous eyetz les<sup>10</sup> xij prestetz, qar quele heure qil veygnent<sup>11</sup> sy deyuent<sup>11</sup> pleder qar il porront auer diuers responses.

<sup>1</sup> ζ at this point commences abruptly thus: 'Suponatur assisa que est in alio loco. e pus *Malborthorp*.<sup>2</sup> <sup>2</sup> com il. aa, ζ. <sup>3</sup> valut bien xl li., aa, β; valut xl. ζ. <sup>4</sup> β add: En taunt com il descent qe Richard tient de William Graundson, e prie qe reconu soit. <sup>5</sup> *Puss*, ζ. <sup>6</sup> verdit, ζ. <sup>7</sup> la duzeine, ζ. <sup>8</sup> aa, β, ζ add mic. <sup>9</sup> ζ adds Sire. <sup>10</sup> cest, ζ. <sup>11</sup> il covent, ζ.



Now whereas the aforesaid escheator by reason of the finding of the official inquest holden before him, to wit, that the aforementioned tenements rightly reverted to the aforesaid Frank in accordance with the terms of the feoffment by the aforesaid Geoffrey, seized the aforesaid tenements into the King's hand for the reason aforesaid as is aforesaid ; and whereas it is found by the recognition of the aforesaid assize that the aforesaid Geoffrey released for himself and his heirs to the aforesaid Richard and his heirs all his right and title in the said tenements, and made quitclaim, to the effect that the said tenements should be had and held by the said Richard and his heirs of the chief lords of that same fee by services etc., by which quitclaim the said right of reversion in the said Geoffrey and his heirs was extinguished ; and whereas it is further found that the aforesaid Richard did homage and allegiance for the aforesaid tenements to the aforesaid William G. as his chief lord, and did afterwards, while within the homage of the aforesaid William, die a bastard without leaving heir of his body begotten, and that the same William, after the death of the said Richard, was in quiet and undisturbed possession from the feast of the Conversion of Saint Paul to the feast etc., as is aforesaid, until the aforesaid Walter and the others aforesaid him did thereof unjustly and in default of judgment disseise, the Judgment of the Court is that the aforesaid William do recover against the aforesaid Walter and the others aforesaid his seisin of the aforesaid tenements by view of the recognising jurors ; and his damages are assessed by the same at the sum of £15. And the aforesaid Walter and the others aforesaid are in mercy etc.

Judgment

*Malberthorpe.* Sir, you have heard the record etc. ; and he repeated all the record and said that wherein the assize found that Geoffrey released and quitclaimed etc. and that Richard attorned himself after that release etc. ; Sir, we say that in all this the assize made false oath. And, besides this, we tell you that they made false oath in assessing the damages at fifteen pounds, for the land was under growing crops at the time of that recovery, and those growing crops were worth forty shillings ; and of that they took no regard. We pray that it be recognised that etc.

*Friskenev.* Since this jury is brought upon the verdict of the twelve, we must tell you that the full twelve are not here, and we submit that you cannot award this jury unless the twelve be fully here.

STAUNTON J. We have the King's command to hasten this jury without any delay etc.

*Friskenev.* It seems that the awarding of this jury ought not to be until you have the twelve present, for it may be that when they come they will have some different matter to plead.



SPYGURNEL et sil eyent aliene lour terres par ount<sup>1</sup> il ne pount estre amenez a respondre, est<sup>2</sup> ceo droit<sup>3</sup> qe la Jure se targerà par lour defaute ?

STOUNTONE nous agardoms <sup>4</sup>qe vous dietz outre ou nous agarderoms<sup>5</sup> la Jure.

*Passelleu*<sup>6</sup> le oye du bref de lassise. Qil fut lu<sup>7</sup> issint qil auoit un noun transpose. Pur quei nous demandoms<sup>8</sup> jugement de la variance entre le bref<sup>9</sup> original et le bref de la sumons de xxiiij.

*Herui.* Le breve ne se abaterai poynt pour tiel variance. <sup>10</sup>Et pus isserent denparler et revyndrent.<sup>10</sup>

*Stonore* vous auetz bien conu<sup>11</sup> coment il unt porte ceste Jure a atteyndre un verdit qi fut rendu par un xij, <sup>12</sup>les quels xij<sup>12</sup> nest pas cy pleynement, e neutendoms mye qe vous voillezt a ceste Jure aler en absence <sup>13</sup>de ceux de la xij qi<sup>13</sup> neo sunt pas cy, qar yl poet estre qe ceuz qi ne sunt pas cy, sil fussentz presentz, qil porreynt mettre auant reles de chescun maner daccion ou autre <sup>14</sup>maner de response<sup>14</sup> en targaunt la Jure.

STOUNTONE cel la deistes vous <sup>15</sup>pe cea<sup>15</sup> et nous agardames qe<sup>16</sup> vous deissetz autre chose et<sup>17</sup> si fesoms unqore, et sy vous ne voletz nous agardoms la Jure.

*Stonore* vous auetz par statut qen eyre de Justice solempne crye soyt fet qe touz ceaux qe bref voilent purchaser qil les purchasent de denz certeyn jour, et si nul bref seit purchace outre ceo jour qe proces<sup>18</sup> par tiel bref seit nul ; pur que, Sire, nous vous dioms qe ceste breve fut purchace pus <sup>19</sup>la lymytation<sup>19</sup> par la crye et neutendoms mye qe vous voillezt tiel bref rescueyre.

*Stontone* nous auoms garrant du Roy plus tardif qest auxi haut com est lestatut.

*Stonore* la response<sup>20</sup> qe nous mettoms auant est tut<sup>21</sup> garranti par statut, ly quel statut homme ne purra<sup>22</sup> tresailer.

SPYGURNEL si le vicounte le ust resceu pus la crye vous deysset bien, mes nous lavoms resceu par comaundement le Roy et par nouel garrant qest auxi<sup>23</sup> haut, etc.

*Pass.* Sire, lestatut est done par comun conseil du Roialme liqel ne put estre defet par simple<sup>24</sup> comaundement le Roy, pur quei il semble qe tiel maundement<sup>25</sup> ne deyt passer les poyntz del estatut.

<sup>1</sup> unt, aa; ce. ζ.    <sup>2</sup> en, aa.    <sup>3</sup> aa omits droit.    <sup>4-5</sup> aa, B omit.    <sup>6</sup> ζ adds nous demandoms.    <sup>7</sup> from aa, B, ζ.    <sup>8</sup> il demanderent. ζ.    <sup>9</sup> ζ omits.  
<sup>10-10</sup> ζ omits.    <sup>11</sup> extendu, aa, B, ζ.    <sup>12-12</sup> qe, aa.    <sup>13-13</sup> de ceus xii. qe si, ζ.  
<sup>14-11</sup> respons don r. ζ.    <sup>15-15</sup> pee cea, B; posta. ζ.    <sup>16</sup> vous ostames, ζ.  
<sup>16-17</sup> ζ omits.    <sup>18</sup> le proces feat, ζ.    <sup>19-19</sup> le jour limite, ζ.    <sup>20</sup> reson, ζ.  
<sup>21</sup> aa omits.    <sup>22</sup> put mie, ζ.    <sup>23</sup> si, ζ.    <sup>24</sup> aa, B add counsail et.  
<sup>25</sup> comandement, aa; garant, ζ.



SPIGURNEL J. Supposing they have got rid of their property simply for the purpose of having naught by which they can be made answerable, is it right that we should delay awarding the jury by reason of their absence ?

STAUNTON J. We rule that you must say something more than this, or we shall award the jury.

*Passeley* asked that the writ for the assize might be read ; and when it was read it appeared that a name was transposed. Therefore, said he, we crave judgment on the ground of variance between the original writ and the writ summoning the four and twenty.

STAUNTON J. Such variance as that is not sufficient to abate a writ.

Then the counsel went out out to imparl, and returned.

*Stonore.* You have heard that this jury is asked for for the purpose of attainting the verdict of a jury of twelve. Now those twelve are not fully here ; and we submit that this jury of four and twenty cannot be awarded in the absence of any of the twelve ; for it may well be that if any of those who are absent were here they might allege some release or some other matter as cause why this jury should not be awarded.

STAUNTON J. You told us that before, and we told you to say something else, and we tell you so again ; and if you don't we shall award the jury.

*Stonore.* It is enacted by statute that the Justices in Eyre shall have formal proclamation made that all who desire to purchase writs shall purchase them within a certain limited time, and that all process taken under any writ not purchased within the time so limited shall be null and void. Now, Sir, we say that this writ was purchased subsequently to the day limited in the proclamation, and we submit that you cannot give any effect to such a writ.

STAUNTON J. We have received a later authority to do so from the King, and this is equally binding with the statute.

*Stonore.* And we answer to that that the law is laid down in the statute, and that no man may go contrary to statute.

SPIGURNEL J. That answer would have been good if it had been the Sheriff who had received the writ after proclamation ; but we have received it by the command of the King, under a new authority which is as binding as the statute.

*Passeley.* Sir, the statute is made by the General Council of the Realm, which may not be over-ridden by a simple order from the King ; and we submit that such an order cannot make of no effect the plain words of the statute.





*Ormesby* quant<sup>1</sup> le Roy maunde deit home supposer qe ceo soit per comune conseil.<sup>2</sup> Et dautre part home ne deit mye countrepleder le fait<sup>3</sup> le Roy.

<sup>4</sup>Costone attorne<sup>4</sup> William de Grantson: vous avetz, Sire, par statut qe ceuls brefs qe sount liu-retz pus la crye etc. soyent nuls et qe tut le proces soyt anenty, etc. Et dautre part<sup>5</sup> par les noueles ordinances avetz<sup>6</sup> qe nul ley seyt chaunge par maundement le Roy de *tesutz* la targer,<sup>7</sup> pur quei nous prioms bille ou<sup>8</sup> qe vous facet entre nostre chalange<sup>9</sup> en Roule.

*Stontone* nous froms nule bille mes testmoygniance de tote la courte, pernetz vostre chalenge<sup>10</sup> qant vous plerra.

*Stonore* Sire, en chescun cas du mound eynz ceo qe home put auer atteynte il coueut qe execucion seit<sup>11</sup> jugement seit<sup>12</sup> perorni, mes nous vous dioms qant jugement passa<sup>13</sup> sur verdit dassise<sup>14</sup> damages de xv. li. nous furent agardez, des quels execucion nest pas unqore pleynement fait, pur quei il semble qe a cete jure ne deyuent il auenir.

*Malm* auant ces oures fustes paye de v. marcs et pus nous auoms tendu etc. <sup>15</sup>sil vosist auer fait<sup>15</sup> aquitance et unqore ly tendoms le remenant, <sup>16</sup>jugement etc,<sup>16</sup> et myst auant, etc.<sup>17</sup>

*Stonore* unqore nest pas le jugement execute qe nous faillent ij. marcs.

*Malm* qant le jugement passa il les dona a les marchauz<sup>18</sup> et as clers des quels il sunt payetz.

*Stonore* de pus qil les nad pas prest en court et<sup>19</sup> il ne put dire qil les ad paye,<sup>20</sup> nous demandoms jugement<sup>21</sup> et prioms regarder le record de lassise etc, et fut troue qil furent donez a marchauz,<sup>22</sup> etc.

*Stonore*<sup>23</sup> quei auetz de la paye de v. mars.

*SPIGURNEL*<sup>24</sup> si le vicounte les ad leue et paye a nous<sup>25</sup> est ceo response qil mostre ceo qil ad de la paye, *quasi diceret non*.

*Stonore*<sup>26</sup> nous nentendoms qe a testi bref<sup>27</sup> deit il estre respondu qar vous veetz bien coment il portent cesti bref et bient reverser le jugement

<sup>1</sup> quange, aa, β. <sup>2</sup> ζ adds du roi. <sup>3</sup> lestat, ζ. <sup>4-4</sup> Costine le attorne pur, ζ. <sup>5</sup> ζ adds vous avez. <sup>6</sup> ζ omits. <sup>7-7</sup> suth la targe, aa, β, ζ. <sup>8</sup> et, aa; ζ concludes with: ou qe nostre chalenge seit entre en roul &c. <sup>9-10</sup> aa omits. <sup>11</sup> ζ adds primer. <sup>12</sup> Add fet et, aa, β. <sup>13</sup> qe se lit, ζ. <sup>14</sup> ζ adds et. <sup>15</sup> si vous nous vousiez fer, ζ. <sup>16-16</sup> ζ omits. <sup>17</sup> xi li. & un marc, ζ. <sup>18</sup> mareschauz, aa; marchal, β. <sup>19</sup> aa, β omit et. <sup>20-20</sup> il ne nous ad pas paie, ζ. <sup>21-21</sup> E pus regarderent le record de assise ou fut trove ut supra, ζ. <sup>22</sup> hore adds: Nota qe dit fut qe conuendreit qe cheeun point del jugement de lassise fut parorni avant qe homme avendreit dateindre le jure. <sup>23</sup> STAUNTON, aa, β. <sup>24</sup> SPIGURNEL, from ζ: aa, β, γγ omit SPIGURNEL, and make this paragraph a continuation of the previous one. <sup>25</sup> vous, β, ζ. <sup>26-26</sup> a cesti ne, ζ.



ORMESBY J. What the King commands we must suppose to be commanded by the General Council; and moreover no man may plead in objection to an act of the King.

Costone, who was attorney for William Grandison: The statute enacts, Sir, that such writs as are delivered after the day limited in the proclamation shall be null, and all proceedings taken under them be void. Moreover in the new ordinances it is laid down<sup>1</sup> that no law shall be changed by the King to the delaying of justice; wherefore we pray a bill of exception, or that you will make an entry of our objection in the Roll.

STRAUNTON J. We will make no bill, but you have the testimony of the whole court; so lodge your objection as soon as you like.

Stonore. Sir, in every case in the world wherein a man may have attain the full performance of judgment is a condition precedent. Now we tell you that when judgment was delivered on the verdict of the assize, damages in the sum of fifteen pounds were awarded. These damages have never yet been fully paid, and so we submit that this jury cannot be granted.

Malberthorpe. You have already been paid five marks, and afterwards we made tender to you etc. if you were willing to give us a discharge, and now once more we make tender, and ask for judgment etc.; and he tendered eleven pounds and a mark.

Stonore. Even now judgment is not fully performed, for we lack two marks.

Malberthorpe. When judgment was delivered he gave them to the marshals and clerks for their fees.

Stonore. Besides this, since he had them not ready in court and could not say that he had paid them, we ask for judgment, and we pray inspection of the record of the assize; and there it was found that they were given to the marshals etc.

Stonore. What proof have you of the payment of the five marks?

SPIGURNEL J. If the Sheriff levied the money and paid it into court, can you ask him what proof of the payment he has?—*meaning that he could not be so asked.*

Stonore. We submit that William Grandison is entitled to sustain his objection to the writ. Its clear purpose is to reverse the

<sup>1</sup> The reference seems to be to cap. xxxii. 'Purceo qe la lei de la terre et comun droit unt este sovent delaiez par lettres issues desoutz le prive seal le Roi, au graunt grevance du poeple: Nous ordenons qe desormais la ley de la terre ne comun droit ne soient delaiez ne des-

turbeez par lettres du dit seal, et si rien soit fait en nule des places de la Court nostre seignour le Roi ou ailleurs par tiels lettres issues desutz le prive Seal, encontre dreitme ou lei de terre, rien ne vaille ne pur nient soit tenuz.'



sur la premiere assise rendu et ad fait somoundre William de Grantson cum tenant de sa demande, la vous dioms nous qe Roysse q' fut la femme Richard de Scoland<sup>1</sup> est tenant de la tierce partie des tenementz et un Robert de B. tenant de parcele de tenementz<sup>2</sup> et furent le jour de bref purchace, et demandoms jugement du bref.

*Malm.* il ne couendra pas qil fusent nometz en ceste atteynte qar nous <sup>4</sup>bioms forsque a renverser et atteyndre<sup>5</sup> un faus serment fet par une xij. aquel faus serment Roysse et Robert ne furent pas parties.

<sup>6</sup>*Fris.* Il bie my seulement de atendre un fauce serment, mes a reverser le jugement e a reaver le tenementz qil perdy autrefoythe par lassise, les queus sont en autri tenance, le queus il covent fere partye avant qe le tenementz soient dereiniz, qar nous ne poem nient perdre ceo qest en autri tenance, en autri mayn.<sup>6</sup>

STONTONE Donez eux bon bref.

*Hert.* summonnez cely qi taunt tyent<sup>7</sup> etc.

STONTONE vous ne veistis unques tiel bref.<sup>8</sup>

*Stonore*<sup>9</sup> ceo nest pas a nous a doner bref, mes<sup>10</sup> luy coueyngne qant il vendra a la chancellerie, qar cesti bref ne put il user sanz <sup>11</sup>celes estre nomez<sup>11</sup> qi sunt tenans de partie des tenementz.

SPYGURNEL il nest pas a recouerir francnement <sup>12</sup>par son bref mes<sup>12</sup> datteyndre un faus serment etc. pur quei il ne couent mye nomer els, etc. <sup>13</sup>Et donke dit <sup>13</sup>

SPYGURNEL<sup>14</sup> pour autre partie<sup>15</sup>: mes neqedent cesti bref est fundu sur une disseisine qe se fit sur francnement, dont sil recouere <sup>16</sup>par cesti bref<sup>16</sup> il recouera francnement.

HERUI si hom seyt disseisi <sup>17</sup>et pus porte<sup>17</sup> lassise et recouere, pus apres le recouerir il aliene, serra le purchaceour nome en le atteynte <sup>18</sup>sil le port,<sup>18</sup> *quasi diceret non*, pur ceo qil ne fut partie au jugement et neqedent le Recouerir serra auxi large cum il passe.<sup>19</sup>

*Frisk.* <sup>20</sup>respondist a la response HERUI & dit<sup>21</sup> qe la oa hom recouere par assise et aliene frechement il ne couent my nomer [lui] en le atteynte qest tenant, mes en cas ou autre tenant est deuenue par continuance do temps pus le Recouerir<sup>22</sup> il couyent qil soit nome cum en ceo cas.

*Cant.* cheseun atteynte est<sup>23</sup> fundu sur son original auxi cum les

<sup>1</sup> *ζ adds* si. <sup>2-3</sup> tent parcel de ces tenementz nent nome en bref, jugement &c., *ζ*. <sup>4-6</sup> ne bioms altre fors atendre, *ζ*; bioms reverser et atendre, aa, β.

<sup>7</sup> *ζ adds* & celi qi tant ten. <sup>8</sup> aa, β omit bref. <sup>9</sup> from aa, β, *ζ*; γγ has STANTONE. <sup>10</sup> aa, β, *ζ adds* bien. <sup>11-13</sup> nomer ceux, aa. <sup>12-13</sup> enz, *ζ*.

<sup>13-15</sup> from *ζ*. <sup>14</sup> Stonore, β. <sup>15-16</sup> aa, β omit. <sup>16-18</sup> β omits. <sup>17-19</sup> et il porte, aa; i put porter, *ζ*. <sup>18-21</sup> si la partie porte atteinte, aa, β. <sup>19</sup> put, aa, β.

<sup>20-21</sup> a la response. HERUI dit, aa; Jeo pose qe William ust aliene touz le tenementz en diverse meins poyt William perdre leur tenance. Sertuz nanyl. Par quey &c. HERUI dit, β. <sup>22</sup> *ζ adds* par assise. <sup>23</sup> deit ester, *ζ*.



judgment delivered at the first assize, and Frank Scoland summons by it William Grandison as tenant of his demand. Now we tell you that Roesia, that was wife of Richard Scoland, is tenant of a third part of the tenements, and one Robert B. is tenant of a parcel of the tenements, and they were so tenants on the day of the purchasing of the writ, and therefore we pray judgment of the writ.

*Malberthorpe.* To include these in the writ would be irregular, for we are seeking only to reverse and attain a false oath made by a jury of twelve; and to this false oath neither Roesia nor Robert was a party.

*Friskenev.* It is not merely a false oath you are seeking to attain, but you want to reverse the judgment, and to recover the possession of the lands which you formerly lost through the finding of the assize. These lands have now passed into the tenancy of others, and these tenants ought to be made parties before the lands can be deraigned; for you cannot get from us what is in the tenancy and the hands of others.

STAUNTON J. Tell them the sort of writ that would satisfy you.

*Hartlepool.* 'Summon so and so who is tenant of so much—and so on.'

STAUNTON J. Never have you seen a writ run like that!

*Stonore.* It is no business of ours to suggest a writ to them—it is the business of the Chancery office to tell them the right one—but he can do nothing with this present writ, for it ought to include the names of the present tenants of parcels.

SPIGURNEL J. He is not seeking under this writ to recover possession of a freehold, but only to attain a false oath etc. and so he need not name them etc. And then it was said by

SPIGURNEL J., in support of the opposite contention: But though it is true that this writ is based upon a disseisin made of a freehold, yet if he succeeds on this writ he will necessarily recover his freehold.

STAUNTON J. If a man be disseised and then bring an assize and recover, and if, after he recovers, he alienates, would you expect to find the name of the purchaser in any attain that he might subsequently bring?—*inferring the negative.* For such purchaser was not a party to the judgment, and yet, notwithstanding that, the measure of the plaintiff's loss will be the measure of his recovery.

*Friskenev* replied to STAUNTON J.'s remark and said: Where a man recovers by assize and presently alienates, he need not, in an attain, name the tenant; but where another has become tenant through lapse of time since the recovery, then in that case he ought to be named.

*Cambridge.* Every attain is based upon the original writ, and the





brefs sunt en lor nature, cum en bref de<sup>2</sup> mortdancestre ou certeyn tenementz sunt en demande, en un *precipe quod Reddat x. acras terre* le bref de atteynte doit estre acordant, mes ceste atteynte est fundu sur bref de nouel disseisine q<sup>i</sup> ne fet nul<sup>1</sup> certeyn tenementz mes *dissaisiverunt eum de libero tenemento, etc.* E si nous averoms nostre bref vers eux etc, il couendra fayre mencion de chescun tenant q<sup>i</sup> serreit contrare au bref original sur quel bref cesti bref est fundu.

*Frisk* pur ceo qe vostre bref doit estre acordant al original vous purretz auer eu la Juree <sup>4</sup>de tant cum<sup>4</sup> nous fussoms tenant.

*Pass* si le Recouerir se fit vers nous par ceste Jure il se freit auxint vers Royse q<sup>i</sup> nest pas nome, q<sup>i</sup> serreit meruaille etc, issint pout ele auer bref de nouel disseisine.

*Malm* qest ceo a vous.<sup>5</sup>

*Pass* <sup>6</sup>autre si<sup>6</sup> largement cum nostre recouerer se fit par assise, auxi largement couendreit qe usset<sup>7</sup> porte ceste Jure ; mes le recouerir se fit de lentier des tenements, dount R. et Royse en sunt tenantz de parcele, vers quels nul recourir nest sauntz ceo qil fussent nomez en bref ; jugement, etc.<sup>8</sup>

HERUI vous nabez qe une choce qe vous valer pout et cest qe la femme fut partie au jugement, par quel jugement ele fut troue disseisor.

*Pass.* ieo pos qe W. de Grantson fut mort et qe son fitz fut eynz auxi cum heir et il porta latteynte auxi cum il fet <sup>9</sup>ore, ne serra il pas nome <sup>10</sup>?<sup>10</sup>

SPYGURNEL oyl,<sup>11</sup> mes la freit il mencion del recouerir qe ceo fit entre W. de Grantson et luy, pur quei cest tut autre.

*Frisk* si vous soyet reseu a cesti bref datteynte saunz ceo qele soit abatu par la noun tenure qe nous alleggoms<sup>12</sup> et vous recoueretz vers nous etc., autre fetz porretz porter lateynte vers Royse et recoverir, et issint sur <sup>13</sup>un verdit dassise aueretz .ij. recouerers par atteynte<sup>14</sup> qe serreit encountre ley etc.

HERUI ceo nest pas proprement noun tenure auxi cum home purra allegger en un *precipe*.

Ad alium diem *Malm.* si Royse serreit nome ceo serreit qe <sup>15</sup>nostre biance fut a<sup>15</sup> recouerer vers luy, ceo ne purroms nyent faire qar al primer assise ele respondist cum tenant de la tierce partie et pleda, et nostre bianne<sup>16</sup> nest forse a recouerer lez .ij. parties auxi com nous perdimes, et demandoms jugement. *Item*, vous mesmes par vostre response demene affirmates en la primere assise feel<sup>17</sup> simple en la

<sup>1-2</sup> de certeyn tenanz com en, ζ. <sup>3</sup> nul mencion des, aa, β; mie, ζ. <sup>4-4</sup> taunt qe, β. <sup>5</sup> from aa, β, ζ; nous, γγ. <sup>6-6</sup> auxi, ζ. <sup>7</sup> il qe vous ussez, ζ; qe vous ussez, aa, β. <sup>8</sup> ζ omits jugement, &c. <sup>9-10</sup> si il ne sera si nome &c. ζ. <sup>11</sup> aa omits oyl. <sup>12</sup> ζ adds vers vous &c. <sup>13-14</sup> verdit de un assise aver ij atains, ζ. <sup>15-15</sup> nous bioms, ζ. <sup>16</sup> bref, ζ. <sup>17</sup> droit, ζ.



writs must be accordant in essential points ; as, for instance, in the case of a writ of mortdancesthorpe, where certain lands are in demand, or of a *Precipe quod reddat x. acras terre*, your writ of attaint must be correspondent. But this attaint is based upon a writ of novel disseisin wherein no specific tenements were named, but the writ merely ran : ‘ *disseised him of his freehold etc.*’ If then we had put into our present writ the names of the tenants of parcels we should have a writ which would not be in accord with the original writ upon which this present writ is founded.

*Friskenev.* You might have made your writ in accordance with the original writ by asking for a jury for ‘ *So much as we hold.*’

*Passeley.* If you recover against us by this jury, you will recover against Roesia, who is not named, also ; and that would be a wonderful state of affairs, and she could have a writ of novel disseisin.

*Malberthorpe.* How does that concern you ?

*Passeley.* The measure of our recovery by the assize should be the measure of your suit before this jury. Now we recovered the whole of the tenements. Of parcels of these tenements R. and Roesia are now tenants, and against them you cannot recover unless they be named in the writ. Judgment etc.

STAUNTON J. You have got only one fact out of which you can make anything, and that is that the woman was a party to the judgment ; and by that judgment she was found to be a disseisor.

*Passeley.* Suppose W. Grandison were dead, and that his son was in as his heir, and Frank Scoland brought the attaint that he is now bringing, would not the son be named ?

SPIGURNEL J. Certainly ; but, in that case, the writ would recite that the recovery was made between W. Grandison and himself. Here the circumstances are quite different.

*Friskenev.* If our objection of non-tenure be over-ruled, and you get your jury under this writ of attaint and recover against us, at some future time you will be able to bring attaint against Roesia and recover against her, and so upon the verdict of one assize you will get two recoveries by attaint, which would be contrary to the law.

STAUNTON J. This is not, speaking strictly, non-tenure ; such non-tenure as you could allege in a *precipe*.

Upon another day *Malberthorpe* said : If Roesia were named, the inference would be that we claimed a right to recover against her, and that we certainly cannot do, for at the first assize she answered as tenant of the third part, and pleaded : and our intention is to recover only the two parcels which we lost, and we ask for judgment. Again, you yourselves in your own reply at the first assize laid the fee simple



persone Richard baron Royse, et en taunt affermatis vous qe ele auoyt droit en sa tenaunce, qar ele ne clayme forsqe estat de dower, pur quei de cele ne puoms nul estat auer. <sup>1</sup> *Item*, il couent qe lateynte soyt acordant a bref original, et a bref original naueit il nul pleyntif forsqe William de Grantson, pur quei William recoueri soul, et vers altres qe vers ceux qi furent partie a moy ne poy ieo latteynte auer,<sup>2</sup> dount a chacer<sup>3</sup> moy a nomer en moun breve cele qi ne fut nyent etc.<sup>4</sup> et entre qi et moy nul assise [ne] passa, ceo serreit a faire mon bref variant al original, et demandoms jugement et prioms la Jure.

*Frisk*,<sup>5</sup> donqe dites vous qe vostre biaunce nest forsqe de estre restitut de ceo qe vous perdistes mesmes, donqe dioms nous qe a vostre biaunce ne poietz atteyndre, car Royse tient la tierce de ceo qe vous perdistes, nyent nome, etc.

ORMESBY vous ne abateretz nient plus cest atteynte par noun tenure qe vous ne fryetz une assise de nouel disseisine, qar vous ne respondetz de vostre tenance. Et tut ust W. de G. aliene lentier<sup>6</sup> issint qel il ne ust rienz, unqore girreit latteynte<sup>7</sup> vers nul autre forsqe vers luy.

*Herle*<sup>8</sup> nous entendoms la contrarie qe W. de G. neo put perdre autre tenance.

ORMESBY quel bref duretz vous vers autre.

*Herl* Summonez celui qi mon<sup>9</sup> tenements tynt, etc.

ORMESBY<sup>10</sup> vous ne veistis unqes tiel bref ne iames ne freetz.<sup>11</sup>

*Pass.* si ceste assise passe pur Fraunke, par mesme le jugement qe les jurors serreint atteynz, par mesme le jugement serra Fraunke restitut a ceo qil perdist, ou nous dioms qe Royse tyent etc.<sup>12</sup> et par cas ad aquitance etc. ou par cas<sup>13</sup> fin leue entre Fraunke et luy, pur quei il luy purra barrer si ele fut nome, etc.

HERUI nous ne dioms pas qe jugement se fra qil recouera meynenant ceo qil perdist, mes nous sauoms bien ceo nous avoms a fere. Quant il vendra a ceo la nous froms reson. *Item*, ieo entenke<sup>14</sup> cele alienacion autre riens qe sy une assise fut porte vers vous, et vous pendant cele assise ussetz aliene, qar tut ceo depent del primer original.

*Frisk* ceo est tut autre, qar lassise est done par une ley et latteynte<sup>15</sup> par un autre et sy est grant difference<sup>16</sup> par entre.<sup>16</sup>

SPYGURNEL en assise de nouel disseisine<sup>17</sup> lassise passe en coudre le pleyntif, et<sup>18</sup> sil voille auer latteynte il ly couent nomer tutz ceuz qi

<sup>1,2</sup> *ζ omits.*    <sup>3</sup> charger, *ζ.*    <sup>4</sup> partie, *ζ.*    <sup>5</sup> *Pass.*, *ζ.*    <sup>6</sup> la terre, *β.*  
<sup>6,7</sup> unqor lataint ne serroit ute.    <sup>8</sup> (*sic*), and in *aa*, *β*; *ζ* has *Hertipol.*    <sup>9</sup> mes,  
*ζ*; ceux, *aa.*    <sup>10-11</sup> il n'ad nul tel bref &c., *ζ.*    <sup>12-13</sup> ou par cas el ad quite-  
clameance ou, *ζ*; quiteclame, *aa.*, but otherwise as in text.    <sup>14</sup> ne tenke, *ζ.*  
<sup>15</sup> lautre, *β.*    <sup>16-17</sup> *ζ omits*; *aa*, *β* add eux.    <sup>18</sup> *ζ adds si.*    <sup>19</sup> *ζ omits* et.



in Richard, Roesia's husband, and, in so doing, you acknowledged that Roesia rightly held the land, for she claims nothing but of dower; and consequently we could take nothing from her. Further, attaint must be in accordance with the original writ, and in the original writ there was but one plaintiff, William Grandison. Consequently William alone recovered, and we cannot bring attaint against anyone who was not a party against us. To drive us, then, to name in our writ one who was no party etc. and between whom and us no assize has passed, would be to force us to make our writ at variance with the original writ; and we ask judgment and pray the jury.

*Friskeny.* Since you tell us that you are only seeking to recover what you have yourselves lost, we tell you that in that you cannot succeed, for Roesia holds a third part of what you lost, and she is not named etc.

ORMESBY J. You will no more abate this attaint by plea of non-tenure than you will get an assize of novel disseisin; for your arguments do not touch your own tenancy. And even though W. G. had alienated the entirety and had not an inch of the land in his possession, yet would the attaint lie against none other than himself.

*Hartlepool.* We submit the contrary—that a verdict against W. G. cannot deprive another person of his tenancy.

ORMESBY J. What form of writ do you propose against another party?

*Hartlepool.* Summon such an one as holds my lands etc.

ORMESBY J. Such a writ you never saw, nor ever will.

*Passeley.* If Frank succeeds in this assize, by the same judgment that attaints the jurors will he recover what he has lost, and of that we tell you that Roesia holds etc., and whether she holds by acquittance or by fine levied between her and Frank, he is barred from naming her.

STAUNTON J. We do not say that the judgment would be that he straightway recover that which he lost, but we quite understand what course we ought to take. We shall do what is right when we get to that point. Again, I think that this alienation stands upon a very different footing from an alienation made during the progress of an assize brought against the person alienating, for the material state of affairs is the state of affairs existing at the time of the issuing of the originating writ.

*Friskeny.* This is a quite different position, for the assize is granted under one statute, and the attaint under another, and so there is no connexion between them.

SPIGURNEL J. If in an assize of novel disseisin the verdict goes against the plaintiff, and he wishes to bring an attaint, he ought to





furent nomez<sup>1</sup> en le original, mes noun pas eontra, qar chescun defendant qi rien soyt endomage par <sup>2</sup> averement ou des damages<sup>3</sup> put auer latteynte soul, meys qil fussent <sup>4</sup> nomez plusors<sup>4</sup>; dounqe si lassise passa encountre Franke qi fut nomee disseissor et ad perdu et est endomage et a<sup>5</sup> la sute W., pur quei ne put il auer latteynte du tort qi luy est fait saunz Royse? *Item*, si Royse fut nome en somons en ceste atteynte le bref <sup>6</sup> prouereit en ly meme .ij. contraries, qe set<sup>7</sup> bref veot qe xxiiij seyent sommons a reconoistre si Franke et Royse dissaisirent William et ceo proue qe Royse fut defendant en lautre bref of Franke, et si ele soyt sommons en ceste atteynte cest a supposer qe ele ad este <sup>8</sup> a coudre<sup>8</sup> Franke et assise passe entre eux qest contrariant a ceo qe le bref suppose, pur quei il ne couent mye qe ele seyt nome.

*Pass.* si sa moustrance ne fut mes qe atteyndre le serment en droit de damages vous deissetz bien, mes il bye de estre reseisi etc., et ceo ne put il *racione qua supra*.

*Frisk.* si Royse fut tenant de mesme la tierce partie qe ele tynt au temps qe lassise fut porte ne serreit pas reson qe ele fut nome. Mes ore est la verite tiele qe nous recouerimus auxi com le record veot, et apres ceo qe nous fussoms seisi par le jugement lessamus a Royse la terce partie de tenemez recoueriz vers Francke, et issint ele est tenant de la tierce partie de ceo qe Francke tynt.<sup>9</sup>

SPIGURNEL tut dust latteynte passer sur une Jure qi passa en un *Precipe quod reddat* il nauereit forsqe *talem ad audiendum illam recognitionem* et noun par *summon* etc. *qui tantum tenet*<sup>10</sup> etc. *Item*, si vous porretz mostrer qe au tiel bref<sup>11</sup> fut meyntenu en<sup>12</sup> vewe vous nous purretz <sup>13</sup> molst eser.<sup>13</sup>

*Frisk* nous pledoms sur nostre cas<sup>14</sup> et la nature du fait chaunge les leys, pur quei, etc.

*Hert* Jeo lay veu et plede mesmes.

ORMESBY vous le veites unques.

*Malm* <sup>15</sup> nostre biancee est<sup>15</sup> a recouerir forsqe<sup>16</sup> les ij parties dun maner, et de ij. parties estis vous tenant.

*Passeleu* sy vous voilletz dire qe nous sumus tenant de .ij. parties dun maner qe vous perdistes nous serroms meyntenant a un.

*Malm* sil y al tiele parole en le bref et *summon* etc. *qui terram illam*

<sup>1</sup> aa omits nomez. <sup>2-3</sup> amerciement, ζ. <sup>4-5</sup> aa, ζ omits; the words in β are illegible. <sup>6</sup> perdu &c. damages a. ζ. <sup>7-8</sup> suppose deus contraries qar cesti, ζ. <sup>9-10</sup> partie a, aa, β; este partie vers, ζ. <sup>11</sup> aa, β, ζ add et demandons jugement. <sup>12</sup> ζ adds et celi qui tantum tenet. <sup>13</sup> β omits bref. <sup>14</sup> et, ζ. <sup>15-16</sup> The words in β are obscure; Maitland read them as *le nest estre seisi*. <sup>17</sup> from aa, β; fet, ζ; γγ omits. <sup>18-19</sup> nous sumes, aa; Il nest, β; nostre bianz nest fors, ζ. <sup>20</sup> ζ omits.



name all those who were named in the original writ: but not *e contra*, for each defendant who is endamaged by averment or in liquidated damages may severally have attaint, though such defendants were sued jointly. In this case, then, where the assize returned a verdict adverse to Frank, and found him a disseisor, and where he not only lost his case but was mulcted in damages at the suit of William, why cannot Frank have attaint for the wrong that has been done to him, without naming Roesia? Yet again, if Roesia were named in the summons of this attaint, you will get in the same one writ two self-contradictory propositions. In the first place the writ recites that the four and twenty are summoned to make recognition whether Frank and Roesia disseised William. That shows that Roesia was a co-defendant with Frank in the previous action. Now if you are going to summon her in this attaint, the deduction is that she was previously opposed to Frank, and that the assize passed between them, which is entirely contrary to the theory on which the writ is based. Consequently it would be improper to name her.

*Passeley.* If all you had in mind was to attaint the oath so far as it was a question of damages, what you say would be all very well; but, besides this, you want to recover seisin etc., and that you cannot do on this writ for reasons already stated.

*Friskeny.* If Roesia were tenant of the same third part that she held when the assize was brought, there would be no reason why she should be named. But the exact truth of the matter is this—we recovered, as the record recites, and, after we had been seised by judgment, we leased a third part of the tenements we had recovered against Frank to Roesia, and so she is now tenant of a third part of what Frank held.

*SPIGURNEL J.* In an attaint of a jury that passed between parties under a *Precipe quod reddat* you would get in the writ only *talem ad audiendum illam recognitionem*, and not *summon etc. qui tantum tenet etc.*; and so, if you can show us that view was had under a writ running in such terms, you will make it simpler for us to give our decision.

*Friskeny.* We rely upon the special facts of our case. The law is to be adapted to the facts; wherefore etc.

*Hartlepool.* I say we have not had view, and I plead non-view.

*ORMESBY J.* You have had a view once.

*Malberthorpe.* We are seeking to recover only two parcels of a manor, and you are the tenant of those two parcels.

*Passeley.* If by that you mean that we are tenant of two parcels of a manor which you have lost, then we are entirely at one.

*Malberthorpe.* If you could have such words as *et summon etc.*



*tenet* nul ne ly osterey de un assoigne et garrantie vocher, et ceo serreit <sup>1</sup>encountre ley<sup>1</sup> dauoir tiels delays en atteynte, pur quei <sup>2</sup>nous naueroms iammes<sup>2</sup> autre forme.

ORMESBY homme ne porra<sup>3</sup> iammes latteynte uers aultre auer<sup>4</sup> qe vers ceuz qi furent parties a la primer Jure ou son heyr, tut est cely qest partie aliene en xx meyns lentier<sup>5</sup> etc.

*Pass.* ceo serreit grant duresse qar donqe perdrent les tenants lour garrantie.

ORMESBY voucher ne pout il mye.

*Pass* ne par bref de garrantie de chartre ne recouera il iammes sil ne fussent enpledez, pur quei sil ne serreint somons il perderent lor garrantie pur touz iours, qe serreit meschief en ley.

*Stonore*, ad idem, en tut maner de proces ou jugement etc. a defere home use<sup>6</sup> garnir les tenantz de francnement, cum si jugement seyt a defere pur erreur des Justices Thome fra garnir ceuls qi sunt tenauntz du francnement,<sup>8</sup> et cest bref a defaire un Jugement, pur quei <sup>9</sup>home deuerait garnir le tenantz,<sup>10</sup> et demandoms Jugement etc.

ORMESBY cest autre cas qe vous mettez, qen tiel cas serrount il garnis par bref de jugement, et ceo cy est un original pur quei nyent semblable.

HERUI dites autre choce et<sup>11</sup> nous entroms en roule ceo qe vous auctz dit.

*Hert* il nous couent parler ov la xij. etc, et reuyndent et diseunt <sup>12</sup>par—

*Stonore*<sup>13</sup> pur le xij. <sup>14</sup>dioms nous<sup>14</sup> qe nous nentendoms pas vous voillezt a ceste atteynte aler, qar vous veetz bien <sup>15</sup>qil unt fet moustrer<sup>15</sup> qil deuerient auer fet fauls serment entaunt cum il disoyent qe Getfrey dut auer relesse xx. mares de Rente et tut son droit qil auoyt en les tenementz et issint<sup>16</sup> esteyent etc. E auxi qil disoyent qe Richard satorna de son homage a Otys etc, e pus a William. E auxi en droit de damages de ceo qil agarderunt damages nyent eaunt regarde a la vesture,<sup>17</sup> etc. Et issint bient il datteyndre les xij dun fauls serment et renuerser le Jugement sur le gros de la petite assise etc, et le bref veot qe Reconu seyt par serment de xxiiij. si Francke et les autres disseussient W. de G. de son francnement etc., et issint est le bref garrant soulement a atteyndre ceste Jure sur le gros; et vous veet bien coment il ount fait lour pleynte qil fyrent fauls serment en taunt com il diseunt

<sup>1-1</sup> grant inconvenient, ζ. <sup>2-2</sup> vous n'avez, ζ. <sup>3</sup> portera, ζ. <sup>4</sup> ζ omits.

<sup>5</sup> ζ omits. <sup>6</sup> aa, β add de; ζ adds a. <sup>7-8</sup> unqor les tenanz de franknement

seront garnis, ζ. <sup>9-10</sup> il dusom estre garniz, ζ. <sup>11</sup> ou, ζ. <sup>12-13</sup> ζ omits.

<sup>11-13</sup> ζ omits. <sup>14-15</sup> coment il mostrent, aa; il unt feat un demustrance, ζ.

<sup>16</sup> ζ adds la reversion. <sup>17</sup> lenblayur, β.



*qui terram illam tenet* in your writ, then you would be entitled to cast essoins and to vouch to warranty, and it would be contrary to the intention of the law to admit such delays in attain, and so we ought not to be made to use any other form than we have done.

ORMESBY J. You can never have attain against any one else than one who was a party, or his heir, to the first assize; and it makes no matter if he has alienated the whole estate into a score different hands.

*Passeley.* That would constitute a great hardship, for in that case the tenants would lose their warranty.

ORMESBY J. Cannot they vouch to warrant?

*Passeley.* A man will never recover by a writ of warranty of title if he has not been impleaded; and so, if they be not summoned, they will lose their warranty for ever, which would be an abuse of the law.

*Stonore, ad idem.* In every kind of litigation where it is sought to reverse a judgment, it has been the custom to give notice to the freeholders; and so where it is sought to reverse a judgment owing to an error on the part of the Justices, the tenants of freehold should have notice. Now this is a writ which seeks to reverse a judgment, and the tenants ought to have notice; and we ask judgment etc.

ORMESBY J. Your argument is not applicable here. In the circumstances you suggest the tenants would have notice by writ of judgment. Here we are dealing with an original writ, and so there is no similarity between the cases.

STAUNTON J. Say something else, and we will record on the roll what you have said.

*Hartlepool.* We desire to imparl with the twelve etc. And when they returned—

*Stonore* said for the twelve: We say that we do not think that you will be of opinion that this jury should be awarded. You have heard that they allege that the original jury made false oath in finding that Geoffrey released twenty marks of rent together with his full right in the tenements, and so etc.; and also in saying that Richard attorned himself to Otho by homage, and subsequently to William; and further that, in respect of damages, they awarded such damages without having any regard to the growing crops etc. And so they seek to attain the twelve of a false oath and to reverse the judgment of the petty assize on the general issue etc., and the writ runs that recognition shall be made by the four and twenty upon oath whether Frank and the others disseised W. G. of his freehold etc., and consequently the writ is warrant only to attain that jury on the general issue. Now you have plainly heard them basing their plaint on the fact that the





<sup>1</sup> qe G avoit une quiteclame &c. & de ceo qe il diseint<sup>1</sup> qe Richard tyent de W., la quele plainte nest pas de gros, cynz de choes qi furent allegez<sup>2</sup> en pledaunt<sup>3</sup> en evidence. Jugement si sur tiel pleynte qi nest pas du gros<sup>3</sup> et qi nest pas dateyndre sur le gros<sup>4</sup> voilletz<sup>5</sup> par cesti bref<sup>6</sup> la Jure prendre.

*Malm* la choce de la quele nous avom pleynt qil firent faus serment fut cause<sup>6</sup> de jugement<sup>6</sup> rendu sur lassise, pur quei il amount a taunt com a pleyndre du gros.

SPYGURNEL de chescune choce de quele Justice pernent lour<sup>7</sup> cause de lour jugement si put hom auer lateynte, par quei &c ; com en cas si un enfant porta lassise de nouel disseisine vers un home et il dye qe les<sup>8</sup> assise ne deit estre qar<sup>9</sup> il ne claymout rien en les tenementz si noun gardien<sup>10</sup> tant qe a son age demene<sup>11</sup> qi porta par<sup>11</sup> lassise pur ceo qe son pierre tynt de luy par service de chiualer, et lenfant die qe son pierre tynt rien de luy etc. Lassise vendra<sup>12</sup> et dit qe son pierre tynt<sup>13</sup> de luy ; lenfant en tiel cas auera latteinte, et nepurquant lassise passa nient sur le gros, auxi par de cea.

*Hert* cest pur le noun age lenfant qi ne set nyent pleder.

*Pass* si ceuls de lassise countent un counte de<sup>14</sup> Roudlande et<sup>14</sup> Oluier qest inpertinent<sup>15</sup> al plee et<sup>15</sup> al gros de lassise latteynte ne put cheer sur ceo. Estre ceo, nous veismes en le drein heyr qe fut qe ceuls de la petite assise donerent francement al pleyntif par un title. E latteynte fut porte, et ceuls de latteynte disoient qil auoynt fet bon serment et luy donerent francement par un altre title, et sy ne furent ceuls de la petite assise atteynte, auxi par de cea. Il fount lour moustrance tut sur laquitance qest nient a gros del assise. E si W. de G. eyt francement par autre title, vnqore<sup>16</sup> put lor verdit estre assetz bon.<sup>16</sup>

Et pus fut latteynte agarde. E demande fut de les .xxiiij. si euls ussent eu<sup>17</sup> la vewe, et il dissoient qe noun, pur quei fut dit<sup>18</sup> par la court qil faissent la vewe.

Ad alium diem SPYGURNEL a les parties : savez rien dire<sup>19</sup> qe lassise<sup>19</sup> ne remeyndra ?

*Stonore* le nous semble qe a ceste Jure<sup>20</sup> prendre ne deuez aler, qar il tent<sup>21</sup> par ceste atteynte reauoir les tenementz etc. auxi enterement

<sup>1-1</sup> from  $\zeta$  ; a.  $\beta$ .  $\gamma\gamma$  omit.      <sup>2-2</sup>  $\zeta$  omits.      <sup>3-4</sup>  $\zeta$  omits.      <sup>5-5</sup>  $\zeta$  omits.  
<sup>6-6</sup> sur quay le jugement fut,  $\zeta$ .      <sup>7</sup>  $\zeta$  omits.      <sup>8-9</sup>  $\zeta$  omits.      <sup>10</sup> garde, aa,  $\beta$ ,  $\zeta$ .  
<sup>11-11</sup> qe par, aa,  $\beta$  ; qe porte,  $\zeta$ .      <sup>12</sup> Si lassise viegne, aa.      <sup>13</sup>  $\gamma\gamma$  adds rien ; aa,  $\beta$ , and  $\zeta$  omit.      <sup>14-14</sup>  $\zeta$  omits.      <sup>15-15</sup>  $\zeta$  omits.      <sup>16-16</sup> est lor verdit un verdit,  $\zeta$ .  
<sup>17</sup> sil aveint fet,  $\zeta$ .      <sup>18</sup> agarde,  $\zeta$ .      <sup>19-19</sup> pur quay lataint,  $\zeta$ .      <sup>20</sup> atteinte, aa ; assise,  $\beta$ .      <sup>21</sup> bie, aa ; entent,  $\beta$ ,  $\zeta$ .



jury made false oath in finding that G. quitclaimed etc. and that Richard held of W. ; which complaint goes not to the general issue, but to particularities which were alleged in evidence. Judgment if upon such a plaint, which does not go to the general issue and does not purport to attain the twelve on the general issue, you will award a jury under this writ.

*Malberthorpe.* The judgment delivered on the finding of the assize was founded upon the findings as to the particular facts of which we have made plaint. That being so, it is really to the general issue that our plaint goes.

*SPIGURNEL J.* Attaint may be had of every several finding which the Court has taken into consideration in delivering judgment ; consequently etc. Take the case where an infant brings an assize of novel disseisin against some one, who answers that the assize ought not to be awarded because he claims nothing in the property, but to be guardian only of the infant till he come to full age, by reason of the infant's father having held of him by knight's service ; and then the infant replies that his father held nothing of him etc. The assize comes and finds that the father did so hold. In this case the infant can have attain, and upon that finding, though it went not to the general issue ; and so here.

*Hartlepool.* That is because he was an infant and cannot plead.

*Passeley.* If those who are bringing this attain choose to plead some story of Roland and Oliver which is entirely irrelevant and does not go to the general issue, they are pleading something on which attain cannot turn. In the last Eyre there was a case of attain against a jury of petty assize who had found that a man had a freehold, and that by a certain title. When the attain was brought, the four and twenty said that the twelve had made true oath, and they awarded the man the same freehold by another title. And attain of this twelve was consequently not made ; and this case is a similar one. Frank bases his whole case upon the acquittance, and that does not go to the general issue. If it should appear that W. G. was entitled to the freehold by some other title than that on which the twelve found for him, their verdict would still be a good one.

Then was the attain awarded. The four and twenty were asked if they had had view, and they said that they had not ; and therefore were they bidden by the Court to make view.

Upon another day *SPIGURNEL J.* said to the parties : Have you anything to say why this attain should not now proceed ?

*Stonore.* It seems to us that you ought not to award a jury in this matter ; for by this attain Frank is seeking to recover the tenements



com il passerent hors de sa seisine par verdit de .xij., dount ceo ne put il auer sauntz ceo qe<sup>1</sup> la femme et Robert<sup>1</sup> seyent somons de oyer la reconeeance, pur quei etc.

SPYGURNEL dites autre choce.

*Pass.*<sup>2</sup> nous auoms veu en atteynte<sup>2</sup> qe toutz les tenantz furent somons de oyer la reconeeance de latteynte.

SPYGURNEL quel bref fut le original.<sup>3</sup>

*Pass* un mordancestre et un *precipe*, cy deuant vous poietz veer le Record.<sup>4</sup>

SPYGURNEL ceo crey ieo bien, mes en assise de nouel disseisine ne le veistis unques.

*Stonore.*<sup>5</sup> Vous savetz bien coment ceste assise fut prise deuant le Roy mesme, et ne entendoms pas qe vous voillezt ceste Jure prendre a defaire un recouerir qi se fit en cy solempne lieu auxi com deuant le Roy mesme.

SPYGURNEL ceste atteynte ne serra mye prise a defaire le fait de la court, eynz datteyndre un fauls serment de xij.

STANTONE en quel lieu qe lassise ust este prise le Roy nous ad maunde pus qe nous atteynoms le xij sil firent faus serment ou ne mye, et ne mye<sup>6</sup> endefesant<sup>7</sup> le fait de la court.

SPYGURNEL. Veyngnent ceux de la Jure.

Et furent chargez en ceste forme. Ceo oyetz vous Justices qe ieo verite dirray de ceste assise et du franctement dount nous avoms en la vewe et de fauls serment de .xij. et pur rien ne lerray qe ensy ne fray si dieu, etc.<sup>8</sup>

SPYGURNEL pus rehersa tut le verdit et le record de lassise et pus de latteynte et eschargea<sup>9</sup> a dire<sup>10</sup> les quels le xij firent faus serment ou noun en taunt com il disoient qe Geffray auoyt relese et quiteclame a Richard etc.,<sup>11</sup> et en tant com il disoient qe Richard tynt de W. de G. et luy fesoyt homage. E en droyt de damages *ut supra*. Les quels vyndrent et disoient qe les xij fesoient faus serment en tant cum il dysount qe Geffray auoyt fet quiteclame<sup>12</sup> a Richard<sup>13</sup> qar unques nul fut fait.<sup>14</sup> E disoient qil fesoient bon serment en tant cum il disoient qe Richard fit homage a W. de G. mes il disoient qe en droit des damages, la ou les terres furent le jour de le recouerir emb[re]jaetz a la vaillaunce de .xl. li., par la ou il agarderunt damages de xv. li.

<sup>1-1</sup> la femme, aa; Rois et Robert, ζ. <sup>2-2</sup> nous dioms uncore, ζ. <sup>3</sup> quant le bref fut original, ζ. <sup>4</sup> En un mordancestre & en un *precipe quod reddat*, vous puriez veier le record cy deuant vous, ζ. <sup>5</sup> aa, 3 add Sires. <sup>6</sup> aa, 3 omit et ne mye. <sup>7</sup> a defere, ζ. <sup>8</sup> aux deus moeydes &c., ζ. <sup>9</sup> et les charchia, ζ; les chargea, aa, β. <sup>10-10</sup> ζ omits. <sup>11</sup> tut son droit, ζ. <sup>12</sup> avoit relese et quite clame, aa, β; avoit feat un relese, ζ. <sup>13-13</sup> la ou il navoit unqe nul feat, ζ. <sup>14</sup> 3 adds oy no lieu ne seu.



etc. as completely as he lost them by the verdict of the twelve. Now to that he cannot attain unless the woman and Robert be summoned to hear the recognition. Wherefore etc.

SPIGURNEL J. Plead over.

*Passeley.* We have seen before in an attaint that all the tenants were summoned to hear the recognition of the attaint.

SPIGURNEL J. What was the original writ in that case?

*Passeley.* A moutdancestor and a *precipe*. You will find it in the record before you.

SPIGURNEL J. I can quite believe that in such a case what you say happened; but you will never find it on assize of novel disseisin.

*Stonore.* It is within your cogni-ance that this assize was holden before the King himself, and we submit that you cannot properly award a jury to defeat a recovery which was made here amid these solemn surroundings, and, as it were, in the King's own presence.

SPIGURNEL J. This attaint does not seek to undo an act of the Court, but to attaint a false oath found by a jury of twelve.

STAUNTON J. In what place the assize passed matters not, for the King himself has since then commanded us to attaint the twelve in case they should have made false oath, and if not, then not; and this without in any way reversing an act of the Court.

SPIGURNEL J. Let the jury come.

And then were they sworn after this wise: 'Hearken to this, ye Justices. Truth will I speak as to this assize and as to the freehold of which we have had view and of the false oath of the twelve, and in nothing will I fail me in so doing, so help me God' etc.

SPIGURNEL J. then read over the whole verdict and record of the assize, and then the writ of attaint, and he charged the four and twenty to say whether the twelve made false oath or not in finding that Geoffrey had released and quitclaimed to Richard etc., and in finding that Richard held of W. G. and did homage to him. And as to damages *as above*. And the four and twenty came and said that the twelve had made false oath in finding that Geoffrey had made a quitclaim to Richard, seeing that none such was ever in fact made. And they found that the twelve had made good oath in finding that Richard had done homage to W. G.; and in respect of damages they found that on the day of the recovery the growing crops on the land were of the value of forty pounds, and they therefore assessed the damages at fifteen pounds.





SPYGURNEL pur ceo qe troue est par ceste Jure de xxiiij qe les xij fyrent fauls serment entaunt cum il diseront qe G. auoit quiteclame a Richard. E en tant com els asisterent<sup>1</sup> etc. la ou la partie ne les tenemens ne furent endamages eynz plus tost amendetz. Meis entant cum il disoient qe Richard fit homage a W. de G. qil fesoient bon serment, ly quel homage fut de fait et nyent de droit. Pur quei agarde la court qe Francke reayt<sup>2</sup> sa seisine par vewe de la Jure de xxiiij de deux parties de les avandit tenementz les quels W. de G. vers meme cesti F. recouerist com auant est dit, forpris lauandite tierce partie de mees etc, et les queuz .ij. parties ou les apurtenauntz forpris lauandite tierce partie mesme cesti W. tynt le jour de ceste Jure purchace, e les avanditz damages de xv. li. de luy avant leueetz et<sup>3</sup> lamercyement en la quele Francke fut amercye par lenqueste avandite, et W. en la mercy. E vous qi cy estis qi fustes en la petite assise, qe vous perdetz desoreavant<sup>4</sup> franche leye atouz jours, et vos biens et vos chateus a la volunte le Roy, et vos corps a la prisone.

SPYGURNEL, <sup>5</sup>a la Jure,<sup>5</sup> ore est Francke restitut a son premier estat, ore parletz des damages qe Franc ad eu en le meyn temps, et nyent regardant<sup>6</sup> sy noun taunt seulement a la tere qe W. tynt.<sup>7</sup> E la Jure<sup>8</sup> assist les damages de le meen temps a vij<sup>xx9</sup> mars, dount Jugement se fit qe il recouerist etc, dount Franck dona xx mares a elers, c.s. a marchaus, <sup>10</sup>c.s. as elers del vicounte,<sup>10</sup> xx. s. a criours.

Sroutone prenetz les terres de ceux qi sunt atteyns en la mayn le Roy, et chatens et qant qil y ad, <sup>11</sup>et mettez hors<sup>11</sup> femmes et enfans et festes estendre les terres <sup>12</sup>et lestrepement de<sup>12</sup> boys et pomers et qant qil y ad en mound. E sil ad nul chatel eloygne pus le bref purchace, estreitement enqueretz en qi mayns il soyent deuenuz et nous facet a sauoyr, etc.

Cest lenroulement et la cause de jugement. Et quia<sup>13</sup> . . . <sup>14</sup>Puis les ix de lassise fesoient fyn al roy &c.<sup>14</sup>

<sup>1</sup> β. ζ add damages. <sup>2</sup> recovereit, aa, β. <sup>3</sup> a, γγ; et, aa, β, ζ. <sup>4</sup> des ore en avant, ζ. <sup>5-5</sup> aa, β, ζ omit. <sup>6</sup> ne eiez regard, aa, β, ζ. <sup>6-7</sup> fors a la terre qe tansoulement William tent, ζ. <sup>8</sup> ζ inserts *en le meen temps* here, instead of as in text. <sup>9</sup> viij<sup>xx</sup>, ζ. <sup>10-10</sup> from ζ. <sup>11-11</sup> osterz, ζ. <sup>12-12</sup> saver, ζ. <sup>11</sup> Enrolment given in full as in No. I., with insignificant verbal differences, by aa, γγ, ζ; omitted by β. <sup>14-14</sup> β omits.



SPIGURNEL J. It has been found by this jury of four and twenty that the twelve made false oath in finding that G. had quitclaimed to Richard. They have further found, on the question of damages, that neither W. G. nor the lands could have suffered any damage, but were bettered. On the other hand they say that in finding that Richard did homage to W. G. they made true oath; but this homage, they say, though it was, as a matter of fact, made, was not due by law. By reason of all this the Court now decides that Frank recover his seisin, by view of the jury of four and twenty, of the two parcels of the aforementioned tenements which W. G. recovered against this same Frank as has been aforedeclared, excepting the aforesaid third part of a messuage etc.; the which two parcels with the appurtenances thereof, always excepting the aforesaid third part, this same William held on the day of the writ for this jury purchased; and that he shall further recover the aforesaid damages of fifteen pounds previously levied upon him, and the amount of the amercement in which he, the said Frank, was amerced at the aforesaid inquest; and that W. be in mercy. As for you here who were of the petty assize, judgment that henceforward you lose your law-worthiness for ever, and your goods and chattels to be at the King's pleasure, and your bodies to prison.

SPIGURNEL J. to the jury. Now that Frank is restored to his previous estate, tell us what damages Frank has sustained in the mean time; and in assessing these you are to have regard only to the land which W. actually held. And the jury assessed the damages of the mean time at seven score marks. And judgment was delivered that Frank should recover so much. And twenty marks Frank gave to the clerks; and a hundred shillings to the marshals; a hundred shillings to the sheriff's clerks, and twenty shillings to the criers.

STAUNTON J. Seize the lands of those who have been attainted into the King's hand, together with all chattels and whatsoever may be found there. Put out their wives and children. Have the lands valued, and the estrepements of woods and apple orchards and whatever else of what kind soever there be there. And if any of them shall have alienated any chattels since the purchasing of the writ, you shall strictly inquire into whose hand such chattels shall have come, and shall make report to us etc.

This is the enrolment and the reason of the judgment. 'Because . . .'  
Afterwards the nine made fine with the King etc.<sup>1</sup>

<sup>1</sup> See note on p. 169.



## TRESPASS.

THOMAS OF CHARTHAM *v.* BENET OF STAMFORD.*Note from Eyre Roll—continued.*

happened that he was rescued by some that stood by. And the Jury, being asked what damages the aforesaid Thomas had sustained by reason of the aforesaid trespass, say that he was endamaged to the sum of forty marks. So it is adjudged that the aforesaid Thomas recover against the aforesaid Benet his damages as aforesaid. And the aforesaid Benet is to be committed to prison, etc. And charge is given to the Sheriff that he take all the tenements, goods and chattels of the said Benet into the hand of our lord the King etc.; and that he be responsible to our lord the King for the issues thereof etc. Afterwards the Sheriff makes return that he has caused the lands and tenements of the aforesaid Benet to be valued, and that they are of a yearly value of four pounds, two shillings and ninepence. And the chattels of the same Benet are valued at four pounds, nine shillings and threepence. Afterwards our lord the King sent to his Justices at Rochester his letter sealed with his privy seal in these words following: ‘Edward, by the grace of God King of England, Lord of Ireland and Duke of Aquitaine, to our beloved and faithful Hervey de Stanton and his companions, that be our Justices in Eyre within the country of Kent. Greeting. Whereas we have been informed that Benet of Shamelesford was lately committed to prison by you by reason that he struck and wounded in your presence Master Thomas of Chatham, and whereas we, at the request of the Queen of England, our very dear helpmeet, have pardoned to the said Benet, so far as in us lies, the trespass and outrage aforesaid, now we do command you that you do cause him to be acquitted of the imprisonment aforesaid and of whatsoever pertaineth to us by reason of the aforesaid outrage and trespass in accordance with our pardon aforesaid. Given under our privy seal at Westminster this twenty-seventh day of November, in the seventh year of our reign.’ And so the aforesaid Benet went free etc.

One Benet of Stamford assaulted Master Thomas of Chatham during the Eyre of Kent in the presence of the Justices in session. And for this was he arraigned. He put himself on the country and was found guilty. And because the said Master Thomas was bringing an assize of novel disseisin against the said Benet who had so assaulted him in the presence of the Justices, and had also entered bills complaining of divers trespasses committed by the said B., he, the said Benet was adjudged to gaol, there to be safely secured in irons; and it was ordered that all his lands and tenements and his goods and his chattels should be taken into the King’s hand; that his wife and children should be ousted, and that he should remain in gaol at the King’s will, and should not be pleivable.

Judgment  
for trespass  
committed  
in the face  
of the  
Justices.



## TRESPASS.

## THOMAS OF CHARTHAM v. BENET OF STAMFORD.

## Note from Eyre Roll

Master Thomas, of Chatham, makes complaint before the Justices here that, in this Eyre of Justices that now is, upon the Tuesday next after the feast of St. Mary Magdalene, while he was arraying an assize of novel disseisin against Benet of Shamelesford and was about to proffer pleas of divers complaints and trespasses against the same Benet, the aforesaid Benet came into the hall of the palace of Canterbury, wherein the said Justices were then sitting to hold the pleas of our lord the King, and of malice aforethought<sup>1</sup> drew out a certain knife, and with that same knife did wound the said Thomas upon the arm, intending indeed to kill him, but he, the said Thomas, was rescued by certain that stood by; and this the aforesaid Benet did here and in the presence of the aforesaid Justices in contempt of our lord the King and of his Court, and to the grievous damage of the said Master Thomas.

And Benet, being then present in the said hall, was arrested and brought before the aforesaid Justices; and was asked how he would acquit himself of these charges, etc. And he fully admitted that he had drawn his knife aforesaid and had thrown it at the said Thomas; but he said that he had not wounded him, nor committed other trespass upon him, as had been imputed to him. And of this he puts himself upon the country. And Thomas does likewise. Wherefore the Justices proceed to make inquest of the matter by certain law-worthy men that were in the aforesaid hall and that had been present at the aforesaid happenings etc. The Jury say upon their oath that the aforesaid Benet drew his knife aforesaid of malice aforethought<sup>2</sup> and attacked<sup>3</sup> the aforesaid Thomas with intent to kill him; and with the said knife did wound the aforesaid Thomas upon his arm; and that then, while the aforesaid Thomas was fleeing from the aforesaid attack, the said Benet pursued him with his knife aforesaid, and would have killed him if it had not

Agarde par  
trespass test  
devant  
justices.

<sup>1</sup> Un Benete de Staunford naufra Mestre Thomas de Chercham en loyre 5en Kent<sup>5</sup> en la presence des justices. Et de ceo fust araine qe se mist en<sup>6</sup> pays et fut soilly. Et pur ceo qe le dist Mestre Thomas porta un assise de novel disseisin et avoient autres pleintifs par bille de divers trespas vers le dit Benete qe lui avoit issi naufra en presence des justices, si fust il agarde a la gaole qil fust ferme en fers mis,<sup>7</sup> et qe touz ses terres et tenementz et biens et chateux fuissent pris en la mayn le Roy, et femme et enfanz ostenz, et qil demurast non replivisable a la volente le Roy.

<sup>1</sup> 'insultu procogitato.'

<sup>2</sup> 'insultu premeditato.'

<sup>3</sup> 'insultavit.'

<sup>4</sup> Reported by *a*, *aa*, *3*. Text from *3* collated with *a*. Marginal note from *aa* and *3*; *aa* adding: Nota bona. The marginal note in *a* is: Trespas on le defendant fut agarde a la prisoun noun replivisable a la volente le Roy. <sup>5</sup> de Caunto, *a*.

<sup>6</sup> <sup>6</sup> se mist, *a*.

<sup>7</sup> *a* omits.

<sup>7</sup> totes, *a*.





<sup>1</sup>SOMERCESTER v. ANON.<sup>2</sup>I.

Un Richard de Somercestre porte son bref de trespas vers un Adam [&] dit qe a force et armes la meson le dit Richard destrusa et ij vaches prist &c. Adam dit qe il ne vint afforce &c ne encontre la pees mais il dit qe Richard tient de le mesme le mees ou il se plaint &c e autres tenements en mesme le ville per certam serviciam &c et portant arriere &c nous avons jugement &c. Richard [dit] qil voleit averer son bref per pais qi vint & dit qe Richard tient de Adam mesme le mees ou Richard se plaint les vaches estre prises ensemblement ove autre terre par certain serviciam e qe vint a mesme le mees et trove le vantage meason clos et il avoit un pertus pres del use Adam loca eins sa maine et saka hors le barre de la quele le use fust ferme et entra le meason e delia les ii vaches dount Richard se plaint &c et les enchasa pur tant de rent arriere de ceu terme &c et uncore un est seisi &c e prioms vous eides. Et pur ceo qe trove fust qe le us de le meason Richard fust ferme &c e Adam ovry le us encountre la gree et la volunte Richard et delia ses bestes en le dit meason et les enchasa qe ne fust pas sa distresse solom ley de terre nient qe la cause de la distresse fut per service arriere et qe plusieurs des services fuerent arere le jour de la prise garde fust qe le plientif recoverist vers li ses damages &c. E qe son corps fust pris &c.

<sup>3</sup>II.

Districtio.

<sup>4</sup> Un homme vynt al ostel son tenant a fere une destresse & qaunt il <sup>5</sup>vist les eus barrez <sup>5</sup>de une barre il mist einz sa meyn a un pertus & osta la barre & ovry le eus & entra & prist ij vaches en noun de destresse & pur ceo qil ovry le eus en tiele manere &c & entra &c fust agarde qe la destresse feust torcenouse &c.

<sup>1</sup> Reported by  $\gamma$ ,  $\epsilon$ ,  $\delta$ .      <sup>2</sup> Text of (I) from  $\theta$ .      <sup>3</sup> Text of (II) from  $\gamma$   
collated with  $\epsilon$ .      <sup>4</sup>  $\epsilon$  adds Nota.      <sup>5-5</sup> vint le us fust ferme,  $\epsilon$ .



## SOMERSET v. ANON.

## I.

One Richard Somerset brings his writ of trespass against one Adam and says that the said Adam by force and arms broke into the house of him, the said Richard, and took therefrom two cows etc. Adam denies that he came with force etc. and against the peace, and says that the said Richard holds from him the messuage respecting which he now complains etc. as well as other tenements in the same town by a certain service etc., and that such service is in arrear; and we have judgment etc. Richard replies that he will aver his writ by a jury. The jury comes and says that Richard holds of Adam this same messuage from which Richard complains that the cows were driven off, together with other land, by a certain service; and that Adam came to this same messuage and found the aforesaid house closed. Now there was a wicket nigh to the door, and through this wicket Adam put his hand, and drew back the bolt which fastened the door, and entered the house and loosed the two cows of which Richard complains etc. and drove them away in partial satisfaction of the rent then in arrear etc.; and now again he has seized another cow, and we pray aid of the Court. And seeing that it was found that the door of Richard's house was bolted fast etc. and that Adam opened the door against the will and desire of Richard, and loosed Richard's beasts that were within the said house, and drove them off, which was not a distress granted to him by the law of the realm, notwithstanding that the pretext of the distress was arrears of service, and that several of such services were in arrear on the day of the seizure, judgment was given that the plaintiff should recover against Adam his damages etc. And that Adam be taken etc.

## II.

A man came to the house of his tenant to levy a distress, and, when he found that the doors were bolted with bolts, he put his hand within a wicket and withdrew the bolt and opened the door and entered and seized two cows in the name of distress. And because he opened the door in such manner etc. and entered etc. it was adjudged to be wrongful distress. Distress.



<sup>1</sup>ANON. v. ANON.

Trespas des  
bestes en-  
chacez deinz  
la fraunchise  
ou la partie  
tendit d'aver-  
rer qil ne  
les prist  
point en  
tiel lieu et  
fut lauerre-  
ment resceu  
et fut dit qe  
si troue soit  
qil ne les  
prist point  
en tiel lieu  
come le bref  
suppose le  
bref soi  
abbatera  
causa  
pur la  
fraunchise.

Un A. porta son bref de trespas uers B. et se plaint qil auoit pris ses bestes en certain lieu a force et armis et enchace en autre lieu de deinz la fraunchise de v. portz.

*Wescote.* La ou il se plaint qe preimus lour aners en tiel lieu et les enchaceamus etc. nous vous dioms qe le trespas qest de deinz cele fraunchise nest pas pledable en ceste court.

*SPIGURNEL.* Si vous pernez mes bestes cy et les enchacez a Loundres ieo me pleindra cy et la ou le trespas est fet la serrez vous puny, autrement serreit le tort despuny par quei responez de la prise fete hors de la fraunchise.

*Louedai.* Nous ne les preimes pas en tiel lieu a force et as armis com soun bref suppose prest etc.

*Westcote.* Par taunt supposez vous qe vous connistrez prise a force et armes en un autre lieu et ceo serreit inconuenient de ley. Et pur ceo couient il trauerser qe vous ne les preistes point a force et armes etc.

*SPIGURNEL.* Il plede a ceo qe vous lui donez par bref et par counte et pur ceo assez sult a trauerser qe en tiel lieu etc. qe si pays se devie ioindre, couient qe soit deuisnee ou la prise fut fete.

*Wescote.* Si ieo me eusse plaint qe vous me eussez batu en tiel lieu etc. ne serreit paas respouns nient en tiel lieu auxi par de cea, qe ne serra mie entre en roule qil ne les preist paas en tiel lieu.

*SPIGURNEL.* Cas de baterie et ceo caas ne sunt paas semblables et serreit entre en roule qil ne les prist paas en tiel lieu come vostre bref suppose qe si troue soit qil les prist en autre lieu le bref se abbatera qe vous poez auer bon bref de la prise en tiel lieu. Et furent chacez par la court a resceuer lauerrement come il fut tendu et hoc fuit pur la fraunchise en ceste court naverreit pas poer a trier tiel trespas fet dedeinz la fraunchise qel sil traueusount simplement saunz fere mencion issi supposerent il qil pussent conustre hors de la fraunchise de trespas fet de deinz la fraunchise etc.

<sup>1</sup> Reported by a only.



## ANON v. ANON.

One A. brought a writ of trespass against B., and complained that B. had taken his beasts in a certain place by force and arms, and had driven them into another place within the franchise of the Cinque Ports.

Trespass of beasts that were driven within a franchise. The defendant tenses to aver that he did not take them in the place laid, and he was received to aver this. It was said that if it had been found that he had not taken them in the place laid in the writ, the writ would have been abated by reason of the privileges of the franchise.

*Westcote.* Whereas he says that we took his beasts in such and such a place, and drove them etc., we tell you that a trespass alleged to have been committed within the franchise of the Cinque Ports is not triable in this Court.

SPIGURNEL J. If you seize my beasts here and drive them off to London, I shall bring my action here; and here, where the trespass was committed, will you be punished. Otherwise the wrong would remain without punishment. Answer for seizure made without the franchise.

*Loveday.* We did not take the beasts in such and such a place by force and arms as his writ alleges. Ready etc.

*Westcote.* That plea is tantamount to saying that you admit you took the beasts in some other place by force and arms, and that is a plea which is not consistent with the law. Therefore you should deny generally that you took them with force and arms.

SPIGURNEL J. He is making answer to the very words of your writ and counting, and in doing this he is quite entitled simply to traverse your allegation that in such and such a place etc. If the matter is to go before a jury, the place where the seizure was made must be specified.

*Westcote.* If I had complained that you had beaten me in such and such a place etc., it would be no good answer for you to say that not in such and such a place had you beaten me; and so here: for the entry in the roll will not be that he did not take them in such and such a place.

SPIGURNEL J. This case cannot be compared with a case of battery. And the entry in the roll would be that he did not take the beasts in the place laid in your writ. If it were found that he took them in some other place the writ would thereupon be abated; and you can have a good writ for the trespass in the place where it was committed. And they were driven by the Court to receive the averment as it was tendered; and the reason for this was that this Court had not jurisdiction to try such a trespass committed within the franchise of the Cinque Ports, for if the allegation had been simply traversed without special traverse of the place laid, this would have amounted to an acknowledgment that a jury outside the franchise could make recognition of a trespass committed within the franchise etc.





<sup>1</sup>MOIANT v. ANON.

Trespas.

Jordan Moiant porta son bref de trespas uers etc. qe a force et arme le park celi Jordan debruserent et ces bestes, saver ces deimes pristent e enporterent encontre la pees etc.

*Caunt.* Il se pleint de vn trespas qe dust estre fet en son park, Monstrez a deprimés qil ad park, qar autrement il ne serra respondu.

SPIGURNEL. Il se pleint de un trespas fet en son park qe naturellement deit estre enclos, ou list a checun seigneur en son soil demene fere park, issint qil ne seit preiudiciel a altres personnes respondre a sa plainte.

*Caunt.* Memo le lu ou il dist ces trespas estre fet si est com chace a nous et a tous les genz de pais achate a lour volonte de la qele chace nous et nos auncestres auons este seisi de antiquite ou meme celi Jordan vint et voleit enclore cele place. Nous venimes freschement ou la pees et vsames nostre chace com bien nous lust et prest etc.

*Stonore.* La ou vous dites qe nous comensames de enclore, et vous venistes ou la pees et freschement, nous dioms qe ceo fut nostre park enclos de totes pars ans et iours avant le tens etc. prest etc.

Sur ceo pais vint et dit qe ceo park fut en le soil Jordan et qil auoit tenu enclos .iij. [ans] sanz estre desturbe iesqe J. et les altres vindrent et le park debruserent et pristent le bestes ut supra.

SPIGURNEL. Troue est par cete enqueste qe Jordan fut seisi de ceo park enclos .iij. ans. sanz disturbance, et qe J. et les altres le debruserent en qel cas tot vssent il endroit de chacer ou de comuner ne lirreit pas a eus de entrer par lour fet demene, sil ne vst este freschement sur lenclorre et ceo ne frent il point, pur quei agarde la court qe Jordan recouere ses damages etc. et qe J. eit la prison de .iij. ans pur la debrusure de park par statut.

<sup>2</sup>ANON. v. ANON.De Trans-  
gessione.

A. <sup>3</sup>porta bref de trespas vers B. C. D. & plusours autres <sup>4</sup>del Abice &c. qe feust mout graunt pite &c.<sup>1</sup> & feust pleint qe<sup>1</sup> certain

<sup>1</sup> Reported by  $\eta$  only.    <sup>2</sup> Reported by  $\beta$ ,  $\gamma$ ,  $\delta$ ,  $\epsilon$ ,  $\kappa$ ,  $\lambda$ . Text from  $\gamma$  collated with  $\delta$  and  $\epsilon$ .    <sup>3</sup> se pleint qe tels &c.,  $\epsilon$ .    <sup>4</sup>  $\delta$  omits.



## MOIANT v. ANON.

Jordan Moiant brought his writ of trespass against etc., alleging Trespass. that they had by force and arms broken the park of the said Jordan, and his beasts, to wit his deer, had taken and carried away, against the peace etc.

*Cambridge.* He complains of a trespass which he alleges was committed in his park. He must first prove that he has a park, for otherwise he will not be answered.

SPIGURNEL J. He complains of a trespass committed in his park, which would naturally and properly be enclosed. Any lord may have a park on his own land, if it is not prejudicial to the rights of other people. Answer his plaint.

*Cambridge.* The place where he says this trespass was committed is our common chase and the common chase of all the people of the neighbourhood to hunt there at their pleasure; and of this chase we and our ancestors have been seised from antiquity, and before this same Jordan came and wanted to enclose this place. We have gone there recently without hindrance, and have enjoyed our right of chase when we pleased. Ready etc.

*Stonore.* Whereas you say that we began to enclose this place, and that you have gone there recently without hindrance, we tell you that this is our park enclosed on all sides years and days before etc. Ready etc.

And upon this the jury came and said that this park was on Jordan's land, and that he had kept it enclosed for three years without disturbance before J. and the others came and broke the park and took the beasts *as above*.

SPIGURNEL J. It is found by this inquest that Jordan was seised of this enclosed park during three years without disturbance, and that J. and the others broke it. In these circumstances, even though J. and the others had right there of chase or common, they had no right to make forcible entry therein, seeing that it had not been recently enclosed. Wherefore the Court awards that Jordan recover his damages etc., and that John go to prison for three years for park-breaking against the statute.

## ANON. v. ANON.

A. brought a writ of trespass against B., C., D. and several others Trespass. of the Abbey—the more the pity—and complained that upon a certain



jour vindrent a force & as armes nomement &c. a Caunterbris & la mesoun mesme cesti A. debruserent & ses chateus a la vaileur de c li. emporterent nomement or argent &c cest a savoir c s. anels dor &c a ses damages &c.

*Stonor* defend & dit pur B. C. <sup>1</sup>& D.<sup>2</sup> qil avoit plee pendant de mesme les chateus & entre mesme les parties devant barouns del escheher<sup>3</sup> Jugement<sup>4</sup> si <sup>5</sup>a tiel bref serra<sup>5</sup> response.

*Hengham* coment volez ceo averrer & pur ceo qe tut feust bref pendant en lescheher des chateux emportez homme ne pout mie par recorde estre asserte le qel ceo feust de ceus chateus ou dautres fust agarde qil deist outre.

*Stonor* dit pur touz qil ne vindrent a force &c ne sa mesoun debruserent ne ses chateus emporterent ut supra prest &c & <sup>6</sup>alli<sup>7</sup>e contra & sic ad patriam.<sup>8</sup>

### <sup>9</sup> GILMYN v. BISCHOPGATE.

De trespas.

Il breffes non dauntz. Nostroy ple en abatement de bref a dire que le pient, ad autre bref de transgression per daunt etc., mes autre est de dette.

En un bref de trespas qe William Gilmyne porta vers Thomas de Bischopgate<sup>10</sup> de Cantuar e autres *Toud.* allega qil ne deveit estre receu pur ceo<sup>11</sup> qe de meyme le trespas plee fut pendaunt devaunt les Barouns del escheher ou Jon avant plede al enqueste etc.

*Toud.* ne osa pas <sup>12</sup>sur ceo<sup>12</sup> demurer pur ceo qe les justices diseynt qil puet<sup>13</sup> averrer par record <sup>14</sup>qe plee fut pendaunt en le escheher<sup>14</sup> etc. <sup>15</sup>mes si ceo fut de un meyme trespas ou ne mie le record no puet pas dire<sup>15</sup> qe diverse trespas pount estre fetz en un jour.

*Toud.* issit de enparler.

E *Hertilp.* demanda jugement sil point de cel response resortyr deuyx qe il avoit plede al accion etc.

*Toud.* le response <sup>16</sup>qe jeo donay est al<sup>16</sup> bref pur vous toudre accion forsque<sup>17</sup> pendaunt lautre bref e puy dit qe de rien copable.

### <sup>18</sup> NOTA.

En play de trespas homme ne put mie estre receu de allegger qil ad play mesmes le trespas pendaunt en leschequer ou en aliours

<sup>1-2</sup> *δ* omits. <sup>3</sup> *ε* adds e demanda. <sup>4</sup> et demande, *δ*. <sup>5-8</sup> il dust a tiel bref estre, *ε*. <sup>6-8</sup> e contra, *δ*. <sup>7-8</sup> quod sic. Ideo &c., *ε*. <sup>9</sup> Reported by *ζ* and *κ*. Text from *κ* collated with *ζ*. <sup>10</sup> Wyschergat, *ζ*. <sup>11-11</sup> respondu, *ζ*. <sup>12-12</sup> la, *ζ*. <sup>13</sup> *ζ* adds assez ben. <sup>14-14</sup> *ζ* omits. <sup>15-15</sup> ne purquant il ne poit mie averrer qe ceo fut de memle trespas qar le record ne fait mie mencion de cella (*s.c.*), *ζ*. <sup>16-16</sup> ne mie forsque au, *ζ*. <sup>17</sup> *ζ* omits. <sup>18</sup> Note from *α*, *aa*, *β*, *δ*, *κ*, *λ*. Text from *β* collated with the others.



day they came to Canterbury and by force and arms, naming such arms, broke the house of this same A., and carried away his chattels, describing such chattels to be of gold and silver, that is to say a hundred shillings, gold rings, etc., to his damage etc.

*Stonore* defends, and says on behalf of B., C., and D. that there was at present entered for hearing before the Barons of the Exchequer an action between these same parties concerning these same chattels. Judgment if he ought now to have answer to this present writ.

*Hengham*. How are you going to support that? And notwithstanding the fact that an action was pending in the Exchequer concerning the carrying off of chattels, still as there was no means of proving that the chattels in that case were the same chattels as those with which the present case was concerned, the Court ruled that counsel for the defence must plead over.

*Stonore* says, on behalf of all, that they did not come by force etc., and did not break A.'s house, nor carry away his chattels *as above*. Ready etc. And others on the other side, and so to the country.

#### GILMYN v. BISHOPSGATE.

In a writ of trespass which William Gilmyne brought against Thomas Bishopsgate of Canterbury and others, *Toudeby* alleged that he ought not to be received, because an action in which plea of the same trespass was raised was pending before the Barons of the Exchequer, in the course of which John had pleaded to the jury etc.

*Toudeby* did not venture to demur to this as the Justices said he could aver by record that an action was pending in the Exchequer etc. But whether that action was concerned with the same trespass as the present action could not be gathered from the record, as divers trespasses might be committed on the same day.

*Toudeby* went out to imparl.

And *Hartlepool* asked judgment whether he could go back from his first answer, seeing that he had pleaded to the writ etc.

*Toudeby*. The answer which I made was to the writ, and was to bar you from action during the pendency of the other writ. And then he pleaded not guilty.

Trespass.

Two writs pending. It is not a good plea in abatement of a writ to say that the plaintiff has another writ of trespass pending etc. It is otherwise in case of debt.

#### NOTE.

In plea of trespass an allegation that a plea touching the same trespass is pending in the Exchequer or elsewhere is not receivable,





pur ceo qe laverement ne gist mie ne par recorde ne put il mie etre  
 eyde<sup>1</sup> ut patet inter Willelmum Gilmy<sup>2</sup> et Johan de Bischopegate<sup>3</sup>  
<sup>4</sup>le eine.<sup>5</sup>

<sup>6</sup>NOTA.

Nota de  
 Trespas.

Nota qe en ple de trespas nest paas response ceo qest nome ville  
 en le bref nest vile ne hamelet.

<sup>1</sup> auerre,  $\lambda$ .    <sup>2</sup> Gilmin,  $\delta$ .    <sup>3</sup> Bispogge,  $\lambda$ .    <sup>4-5</sup>  $\lambda$  omits.    <sup>6</sup> Note from  
 a, aa,  $\beta$ . Text from  $\beta$  corrected by a.



# APPENDIX

## KALENDARE DE COMITATU KANCIE

### LASTUS DE SUTTON

HUNDREDUM DE ROKESLE.	Amisius Godsons Capitulis ballivus Juratus	Electores	Walterus de Upton ..... Juratus Reginaldus de Rokesle ..... Juratus
Thomas de Brokhurst .....	Jacobus de Gatton .....		Thomas atte Hole .....
Henricus de Mars .....	Adam atte Esthalle .....		Simon de Godyngton .....
Stephanus le Turnur .....	Johannes Hardel .....		
Ricardus de Godington .....	Robertus Roland .....		
HUNDREDUM DE LITILEEE.	Idem Amisius Capitulis ballivus Juratus	Electores	Johannes de Lenham de Plumsted ..... Juratus Johannes in the Felde ..... Juratus
Johannes le Hert .....	Johannes le Bakere .....		Alexander Uthred .....
Robertus Trippetek .....	Thomas Giboun .....		Johannes Wyard .....
Ricardus filius Ricardi de Erde .....	Johannes Luffyng .....		
Robertus Pertrich .....	Henricus Godefrey .....		



## HUNDREDUM DE WESTERHAM. Idem Amisius Capitalis ballivus Juratus

Gilbertus Aubri ..... Juratus  
 Galfridus le Vinet ..... Juratus  
 Hugo Chamberleyn ..... Juratus  
 Gilbertus de Mallyng ..... Juratus  
 Wilhelmus de Wheystre ..... Juratus  
 Johannes Ughtred ..... Juratus  
 Wode ..... Juratus  
 Johannes at Welle ..... Juratus  
 Radulphus de Shenefeld ..... Juratus  
 Junior ..... Juratus

## HUNDREDUM DE AKESTANE. Idem Amisius Capitalis ballivus Juratus

Hugo le Pur ..... Juratus  
 Johannes de Rurshall ..... Juratus  
 Ricardus Crul ..... Juratus  
 Michaelus de Chepde ..... Juratus  
 Stephanus de Chymbelham ..... Juratus  
 Ricardus Pryman ..... Juratus  
 Wilhelmus de Chymbelham ..... Juratus

## HUNDREDUM DE BROMLECH. Idem Amisius Capitalis ballivus Juratus

Adam Vinel ..... Juratus  
 Thomas Samdre ..... Juratus  
 Johannes Jory ..... Juratus  
 Gilbertus de Tropyndem ..... Juratus  
 Alexander de Furneus ..... Juratus  
 Walterus le Sliot ..... Juratus  
 Wilhelmus de Wythemere ..... Juratus  
 Wilhelmus de Wythemere ..... Juratus

## VILLATA DE BRADESTRETE. Idem Amisius Capitalis ballivus Juratus

Galfridus de Welde ..... Juratus  
 Petrus le Spicer ..... Juratus  
 Johannes Champneys ..... Juratus  
 Johannes de Cornewalle ..... Juratus  
 Robertus de Bokhurst ..... Juratus  
 Simon Phlip ..... Juratus  
 Wilhelmus de Palmere ..... Juratus  
 Wilhelmus atte Stoke ..... Juratus

Electores { Henricus de Sardenne ..... Juratus  
 { Johannes Bloundel ..... Juratus

Wilhelmus atte Ware ..... Juratus  
 Johannes Holeweye ..... Juratus

Electores { Johannes de Suth Aissh ..... Juratus  
 { Johannes de la Hoke ..... Juratus

Wilhelmus Manyware ..... Juratus  
 Nicholaus Wylbeugh ..... Juratus

Electores { Radulphus Aylmer ..... Juratus  
 { Henricus Broumyng ..... Juratus

Radulphus de Stoineshull ..... Juratus  
 Henricus Alderman ..... Juratus

Electores { Theobaldus le Mihere ..... Juratus  
 { Thomas Gamen ..... Juratus

Johannes atte Bregge ..... Juratus  
 Walterus le Tallour ..... Juratus



## VILLATA DE LESNES. Idem Amisius Capitalis ballivus Juratus

Henricus Shanker ..... Juratus  
 Wilhelmus Chaunterd .... Juratus  
 Johannes Sony ..... Juratus  
 Wilhelmus le Bokeler de  
 Lesnes ..... Juratus  
 Stephanus le Mellere ..... Juratus  
 Johannes le Acatur ..... Juratus

## HUNDREDUM DE SOMERDENN. Idem Amisius Capitalis ballivus Juratus

Johannes atte Hale ..... Juratus  
 Johannes Belamy ..... Juratus  
 Robertus de Slightre ..... Juratus  
 Wilhelmus de Wygyndenne . Juratus  
 Robertus Rohud ..... Juratus  
 Wilhelmus atte Hale ..... Juratus  
 Johannes de Mdelhurst ..... Juratus  
 Ricardus de Wodene ..... Juratus

## HUNDREDUM DE CODESHETH. Idem Amisius Capitalis ballivus Juratus

Robertus Ketel ..... Juratus  
 Jordanus atte Fonglebeth . Juratus  
 Johannes de Heystede .... Juratus  
 Johannes de Pelham ..... Juratus  
 Alanus de Chelwestoumb . Juratus  
 Rogerus Romeyn de  
 Otteford ..... Juratus  
 Wilhelmus Walk ..... Juratus  
 Walterus Bety ..... Juratus

## VILLATA DE DERTFORD. Idem Amisius Capitalis ballivus Juratus

Johannes de Bykenhore .... Juratus  
 Robertus Whitlok ..... Juratus  
 Johannes Charles ..... Juratus  
 Thomas atte Spithe ..... Juratus  
 Robertus Manyware ..... Juratus  
 Willelmus Pistor ..... Juratus  
 Ricardus atte Mersh ..... Juratus

Electores { Johannes Hamond ..... Juratus  
 { Walterus de Rokesele ..... Juratus

Walterus Giles ..... Juratus  
 Johannes de Knokeshulle . Juratus

Electores { Wilhelmus de Moredenne . Juratus  
 { Johannes de Derkynghole . Juratus

Johannes de Chydingstone . Juratus  
 Robertus Dubhyl ..... Juratus

Electores { Johannes de Chipstede ..... Juratus  
 { Ricardus Stidolf ..... Juratus

Andreas Froumd ..... Juratus  
 Thomas le Longe ..... Juratus

Electores { Johannes Aleyn ..... Juratus  
 { Henricus Munte ..... Juratus

Johannes Lambyn ..... Juratus  
 Ricardus le Clerk ..... Juratus





HUNDREDUM DE BLAKEHETH. Idem Amisius Capitalis ballivus Juratus Electores {Johannes de Henle .....Juratus  
Hamo Caud .....Juratus

Henricus Eddewyne .....Juratus Stephanus de Hingham .....Juratus  
Henricus de Durcme .....Juratus Johannes Terry .....Juratus  
Stephanus atte Ramette .....Juratus Willhelms Mercator .....Juratus  
Johannes Jop .....Juratus Johannes le Bakere .....Juratus

## LASTUS DE SHREWYNNGHOPE

HUNDREDUM DE CHERT. Ricardus Poteman Capitalis ballivus Juratus Electores {Galfridus de Goldewelle .....Juratus  
Willhelms at Nynne .....Juratus

Johannes atte Mulre .....Juratus Ricardus le Bakere .....Juratus  
Johannes de Foghelesle .....Juratus Johannes Duns .....Juratus  
Johannes de Surrendenne .....Juratus Henricus de Shiteringdenne Juratus  
Adam atte Snode .....Juratus Thomas of Richte .....Juratus

HUNDREDUM DE TENHAM. Idem Ricardus Capitalis ballivus Juratus Electores {Robertus de Sharstede .....Juratus  
Robertus de Worredstone .....Juratus

Johannes de Worredstone Juratus Senannus Geryng .....Juratus  
Rogerus de Kelesham .....Juratus Willhelms de Ille .....Juratus  
Thomas filius Walteri de Rogerus de Worredstone .....Juratus  
Lyndestede .....Juratus  
Dunstanus de Tenham .....Juratus Radulphus le Gynere .....Juratus



## HUNDREDUM DE FELEBERGH. Idem Ricardus Capitalis ballivus Juratus

Adam de Perstede ..... Juratus  
 Alexander de Lurdynghenne Juratus  
     Johannes atte Bonchethe ..... Juratus  
     Walterus Chyldemelle ..... Juratus  
 Salomon Ferebraz ..... Juratus  
 Johannes de Tryndehane ..... Juratus  
     Johannes de Belyng ..... Juratus  
     Walterus atte Halle de  
     Godinersham ..... Juratus

Electores { Wilhelmus atte Denne ..... Juratus  
               Johannes de Estures ..... Juratus

Johannes Hamond de  
 Valoignes ..... Juratus  
 Jordanus atte Forde ..... Juratus

## HUNDREDUM DE CALEHULL. Idem Ricardus Capitalis ballivus Juratus

Henricus de Aketon ..... Juratus  
 Wilhelmus de Cheryng ..... Juratus  
 Wilhelmus Ive ..... Juratus  
 Galfridus de Pette ..... Juratus  
 Rogerus de Egeryndenne ..... Juratus  
 Johannes de Gustone ..... Juratus  
 Johannes de Fordmelle ..... Juratus  
 Johannes atte Brethe ..... Juratus

Electores { Johannes de Wrotham ..... Juratus  
               Johannes le Frend ..... Juratus

Jacobus de la Newland ..... Juratus  
 Adam de Brokestumbe ..... Juratus

## DANIDITUM HUNDREDUM DE BYRCHOLT. Idem Ricardus Capitalis ballivus Juratus

Thomas Edmund ..... Juratus  
 Thomas de Heymere ..... Juratus  
 Ricardus Lefsonne ..... Juratus

Electores { Johannes Pound ..... Juratus  
               Johannes Freldon ..... Juratus

## HUNDREDUM DE LANGEBRIGOE. Idem Ricardus Capitalis ballivus Juratus

Wilhelmus de Kyngesfeld ..... Juratus  
 Simon de Halle ..... Juratus  
 Rogerus de Everinge ..... Juratus  
 Wilhelmus Austyn ..... Juratus  
 Ricardus le Bakere ..... Juratus  
 Johannes de Stonstrete ..... Juratus  
 Robertus de Wyndesbergh ..... Juratus  
 Johannes filius Wilhelmi de  
 eadem ..... Juratus

Electores { Johannes de Kyngessnode ..... Juratus  
               Thomas de Heugeshulle ..... Juratus

Wilhelmus Barry ..... Juratus  
 Johannes de Omyndene ..... Juratus



HUNDREDUM DE BOKTON. Idem Ricardus Capitalis ballivus Juratus  
Electores {Nicholaus atte Nassh .....Juratus  
Rogerus de Sellyng .....Juratus

Ricardus atte Hathe .....Juratus Bartholomeus le Parmenter Juratus  
Johannes Franceys .....Juratus Thomas Salomon .....Juratus  
Willelmus Gerveys .....Juratus Ricardus de Ore .....Juratus  
Thomas Cullyng .....Juratus Johannes Aylward .....Juratus

Electores {Johannes de Byxe .....Juratus  
Stephanus de Bokland .....Juratus

HUNDREDUM DE FAVERSHAM. Idem Ricardus Capitalis ballivus Juratus

Henricus de Norton .....Juratus Johannes Peverel .....Juratus  
Johannes atte Droke .....Juratus Philippus le Cresse .....Juratus  
Henricus de Wytherling .....Juratus Walterus le Heyward .....Juratus  
Radulphus filius Johannis de Johannes de Brimston .....Juratus  
Eseling .....Juratus

# SEPTEM HUNDREDA

Electores {Johannes de Canebrygge ....Juratus  
Johannes de Egeringdenne...Juratus

HUNDREDUM DE BLAKEBOURNE. Stephanus atte More Capitalis ballivus Juratus

Stephanus Jorden .....Juratus Adam de Penylonde .....Juratus  
Thomas le Tannere .....Juratus Ricardus de Edyngelam ....Juratus  
Ricardus Dyonis .....Juratus Harpo de Bodyndenne.....Juratus  
Johannes le Clerk (sic) .....Juratus Thomas de Berbondenne ..Juratus



## HUNDREDUM DE SELFBRIGHTINDENNE. Idem Stephanus Capitalis ballivus

Juratus  
 Willelmus de Stanyndenne Juratus Alexander de Spondenne ... Juratus  
 Willelmus de Hoep ... Juratus Ricardus de Stenyndenne ... Juratus  
 Thomas Thewnesson ... Juratus Johannes de Selfbrightin-  
 denne ... Juratus  
 Rogerus de Aldryndenne ... Juratus Willelmus de Coplode ... Juratus

## VILLATA DE NEWYNDENNE. Idem Stephanus Capitalis ballivus Juratus

Willelmus State ... Juratus Willelmus Curteose ... Juratus  
 Johannes le Hore ... Juratus Ricardus Ridden ... Juratus  
 Johannes Liffewerk junior ... Juratus Johannes le Beghiere ... Juratus  
 Abraham Bradan ... Juratus Willelmus Pollard ... Juratus

## HUNDREDUM DE CHANEBROKE. Idem Stephanus Capitalis ballivus Juratus

Johannes de Clytyndenne ... Juratus Robertus de Pykyndenne ... Juratus  
 Thomas Dinyz ... Juratus Johannes de Burdenne ... Juratus  
 Johannes Crutehole ... Juratus Walterus atte Crouche ... Juratus  
 Walterus de Tubcherst ... Juratus Johannes atte Droke ... Juratus

## HUNDREDUM DE BADTLEY. Idem Stephanus Capitalis ballivus Juratus

Henricus de Hissindenne ... Juratus Stephanus de Petyndene ... Juratus  
 Philippus Bishpoundenne ... Juratus Walterus de Burwarsile ... Juratus  
 Robertus de Hethyundenne Juratus Simon atte Cherche ... Juratus  
 Thomas de Orclindene ... Juratus Henricus de Spelthurst ... Juratus

{ Willemus de Beteringdenne  
 Juratus  
 Willemus le younge ... Juratus

## Electores

Willemus de la Bourne ... Juratus  
 Walterus de Pypeedenne ... Juratus

{ Johannes Liffewerk senior Juratus  
 Willemus Scot ... Juratus

## Electores

Robertus atte Wode ... Juratus  
 Robertus Curteose ... Juratus

{ Johannes de Hokregger ... Juratus  
 Johannes de Harchereger ... Juratus

## Electores

Willemus de Hasildenne ... Juratus  
 Johannes Moriz ... Juratus

{ Willemus de Tythe ... Juratus  
 Hubertus le Tallour ... Juratus

## Electores

Walterus le Bakere ... Juratus  
 Ricardus de Harchereger ... Juratus





DIMIDIUM HUNDREDUM DE BERNEFELD. Idem Stephanus Capitalis ballivus Juratus	Electores	{ Henricus atte Castel ..... Juratus Ricardus Ryolf ..... Juratus
Thomas at Cherche ..... Juratus		
Johannes le Fienssh ..... Juratus		
Willelmus le Duke ..... Juratus		
Thomas atte Wode ..... Juratus		
HUNDREDUM DE TENDERDENNE. Idem Stephanus Capitalis ballivus Juratus	Electores	{ Stephanus de Gatesdenne ..... Juratus Johannes le Neuman ..... Juratus
Hamo de Menesdene ..... Juratus		
Willelmus Blossin ..... Juratus		
Henricus de Bysshopesdenne		
Juratus		
Thomas Roger ..... Juratus		
Philipus Hereward ..... Juratus		
HUNDREDUM DE ROLUYNDENNE. Idem Stephanus Capitalis ballivus Juratus	Electores	{ Johannes de Hauldene ..... Juratus Petrus de Horsham ... .. Juratus
Willelmus de Mapeldredene ..... Juratus		
Herwardus de Fressingham Juratus		
Robertus Tailleur de Mayham ..... Juratus		
Richardus de Gonglingdenne Juratus		
Simon de Pedesdenne ..... Juratus		
Willelmus Asketyn ..... Juratus		
Johannes Thomas de Hauldene ..... Juratus		



## LASTUS DE EYLESFORD

HUNDREDUM DE LITLFELED. Drogo de Chesham Capitalis ballivus Juratus	Electores	
Clemens de Boys.....Juratus	{	Johannes de Pekham .....Juratus
Robertus Denys .....Juratus		Johannes atte Welde .....Juratus
Adam de Pekham .....Juratus		
Johannes filius Hamonis		Johannes de Totesham .....Juratus
Froimund .....Juratus		Henricus Froimund .....Juratus

## HUNDREDUM DE CHATHAM. Idem Drogo Capitalis ballivus Juratus

Henricus atte Halle .....Juratus	Electores	{	Willelmus Fille .....Juratus
Ricardus le Tailleur .....Juratus		{	Arnaldus in the Dane .....Juratus
Stephanus Scot .....Juratus			Walterus de Horstede .....Juratus
Willelmus Lefgrene Junior Juratus			Robertus le Smyth .....Juratus

## VILLATA DE MALLYNG. Idem Drogo Capitalis ballivus Juratus

Petrus le Bakere .....Juratus	Electores	{	Johannes Joseph .....Juratus
Johannes Hood .....Juratus		{	Ricardus le Tanerus .....Juratus
Petrus Smothe .....Juratus			Philippus le Clerk .....Juratus
Thomas de Berling .....Juratus			Johannes le Draper .....Juratus

## HUNDREDUM DE MAYDENSTAN. Idem Drogo Capitalis ballivus Juratus

Robertus de Corby .....Juratus	Electores	{	Galfridus de Boklaunde .....Juratus
Johannes de Debe .....Juratus		{	Walterus Colyn .....Juratus
Johannes Hadying .....Juratus			Willelmus de Craunford .....Juratus
Johannes Thorbus .....Juratus			Johannes le Mareschal .....Juratus



DVIDIUM HUNDREDUM DE BERNEFELD. Idem Drogo Capitalis ballivus Juratus		Electores	{	Gilbertus de Borwerth .....	Juratus
Willelmus atte Bregge .....	Juratus			Walterus Pertrich .....	Juratus
Johannes Keneward .....	Juratus				
HUNDREDUM DE TWYPERD. Idem Drogo Capitalis ballivus Juratus		Electores	{	Robertus de Shodbeem .....	Juratus
Robertus le Smyth de				Willelmus atte Lake .....	Juratus
Therstane .....	Juratus				
Robertus atte Mylne de				Philippus de Pynpe .....	Juratus
Edlyng .....	Juratus			Hugo de Bermondesceye .....	Juratus
Johannes Enote .....	Juratus				
Johannes de Totesham .....	Juratus				
HUNDREDUM DE LARKEFELD. Idem Drogo Capitalis ballivus Juratus		Electores	{	Johannes le Vec .....	Juratus
Robertus at Broke .....	Juratus			Henricus atte Bergh .....	Juratus
Thomas le Drake .....	Juratus				
Ricardus de Goldherst .....	Juratus			Johannes de Westerham .....	Juratus
Johannes le Drake .....	Juratus			Ricardus le Smyth .....	Juratus
HUNDREDUM DE HOO. Idem Drogo Capitalis ballivus Juratus		Electores	{	Henricus de Green .....	Juratus
Rogerus de Dalham .....	Juratus			Johannes Tendre .....	Juratus
Thomas Peade .....	Juratus				
Henricus Scarlet .....	Juratus			Robertus le Pade .....	Juratus
Simon de Beuwelles .....	Juratus			Willelmus de Dakenham .....	Juratus



## HUNDREDUM DE SHAMELE. Idem Drogo Capitalis ballivus Juratus

Edmundus le Clerk ..... Juratus  
 Johannes Stonhard ..... Juratus  
 Johannes de Shorne ..... Juratus  
 Johannes Henry de Shorne Juratus  
 Wilhelmus Stonhard ..... Juratus

Electores { Wilhelmus Hamfrey ..... Juratus  
 Johannes le Mortmuer ..... Juratus

Willemus de Brompton ..... Juratus  
 Willemus atte Boklond ..... Juratus

## HUNDREDUM DE BRENSHESLE. Idem Drogo Capitalis ballivus Juratus

Nicolaus de Spelmendenne Juratus  
 Thomas Pertrich ..... Juratus  
 Johannes Faber ..... Juratus  
 Jordandus de Denyshome ..... Juratus  
 Wilhelmus Joce de Grosberst Juratus  
 Ricardus de Hedenne ..... Juratus  
 Wilhelmus de Brenthesle ..... Juratus  
 Johannes de Grosberst ..... Juratus

Electores { Alexander atte Bourne ..... Juratus  
 Wilhelmus de Coumbe ..... Juratus

Willemus filius Ade de  
 Grosberst ..... Juratus  
 Johannes Thomas ..... Juratus

## HUNDREDUM DE EYHORNE. Idem Drogo Capitalis ballivus Juratus

Johannes le Crumpe ..... Juratus  
 Johannes de Chigworthe ..... Juratus  
 Henriens atte Welle ..... Juratus  
 Johannes Geryn ..... Juratus  
 Wilhelmus de Frehnstede ..... Juratus  
 Johannes le Tallour ..... Juratus  
 Ricardus le Wrenck ..... Juratus  
 Ricardus atte Merssh ..... Juratus

Electores { Bartholomeus de Seint  
 Leger ..... Juratus  
 Wilhelmus de Shehe ..... Juratus

Ricardus de Werneshelle ..... Juratus  
 Johannes de Boycote ..... Juratus

## HUNDREDUM DE TOKYNTRE. Idem Drogo Capitalis ballivus Juratus

Alexander de Nortwode ..... Juratus  
 Robertus le Frenshe ..... Juratus  
 Hugo Hanck ..... Juratus  
 Nicholaus le Tallour ..... Juratus  
 Ricardus le Ken ..... Juratus  
 Ricardus le Clerk ..... Juratus  
 Philippus in The Lane ..... Juratus  
 Thomas Pykeman ..... Juratus

Electores { Walterus de Bogherst ..... Juratus  
 Johannes de Isberge ..... Juratus

Walterus Godwyne ..... Juratus  
 Ricardus Hendman ..... Juratus





## HUNDREDUM DE WHOTHAM. Idem Drogo Capitalis ballivus Juratus

Willelmus Munte ..... Juratus    Henricus Moraunt ..... Juratus  
 Nicholaus atte Fen ..... Juratus    Willelmus de Knefeld .... Juratus  
 Stephanus atte Sole ..... Juratus    Johannes Stene ..... Juratus  
 Ricardus atte Hale ..... Juratus    Willelmus Colyn ..... Juratus

Electores { Edwardus Sorang ..... Juratus  
 { Gilbertus de Wynefeld ..... Juratus

Walterus Godwyne ..... Juratus  
 Ricardus Hendiman ..... Juratus

## LASTUS SANCTI AUGUSTINI

## HUNDREDUM DE WHITSTAPL. Robertus Makefox Capitalis ballivus Juratus

Johannes Copyn ..... Juratus    Ricardus ad Cruem ..... Juratus  
 Ricardus de Netherhampton Juratus    Willelmus Gorewelle ..... Juratus  
 Thomas Bolsire ..... Juratus    Ricardus Osbern ..... Juratus  
 Walterus atte Denne ..... Juratus    Hamo Copyn ..... Juratus

Electores { Johannes Terry ..... Juratus  
 { Willelmus Moriz ..... Juratus

Johannes Leger ..... Juratus  
 Hamo le Clerk ..... Juratus

## HUNDREDUM DE RYNGSLO. Idem Robertus Capitalis ballivus Juratus

Walterus le Despenser ..... Juratus    Johannes Roter ..... Juratus  
 Thomas Frost ..... Juratus    Hamo Ichedane ..... Juratus  
 Robertus atte Berne ..... Juratus    Willelmus Cokelyn ..... Juratus  
 Willelmus The prud ..... Juratus    Willelmus Samuel ..... Juratus

Electores { Johannes de Sancto  
 { Nicholao ..... Juratus  
 { Hamo de Bradegate ..... Juratus

Willelmus de Morston .... Juratus  
 Henricus de Hensford ..... Juratus



<b>HUNDREDUM DE DOUGHAMFORD.</b> Idem Robertus Capitalis ballivus Juratus		Electores	Willelmus de Wendeton .....Juratus Thomas de Hingham .....Juratus
Johannes du Boys .....Juratus	Johannes Godwyne .....Juratus		
Johannes de la Berton .....Juratus	Rogerus de Garwynton .....Juratus		
Thomas de Alynton .....Juratus	Robertus atte Clerche .....Juratus		
Johannes de Berneville .....Juratus	Robertus de Mersgate .....Juratus		
<b>HUNDREDUM DE PRESTON.</b> Idem Robertus Capitalis ballivus Juratus		Electores	Johannes Godard .....Juratus Thomas de Alkham .....Juratus
Thomas Stake .....Juratus	Johannes de Padebrok .....Juratus		
Johannes atte Combe .....Juratus	Ricardus Randolf .....Juratus		
Petrus Hangord .....Juratus	Johannes de Haukeslond .....Juratus		
Ricardus Hamond .....Juratus	Willelmus Brightred .....Juratus		
<b>HUNDREDUM DE KYNGHAMFORD.</b> Idem Robertus Capitalis ballivus Juratus		Electores	Johannes de Malenill .....Juratus Henricus de Tappinton .....Juratus
Johannes de Longeham .....Juratus	Ricardus de Thrulegh .....Juratus		
Johannes de Brethe .....Juratus	Thomas Payn .....Juratus		
Willelmus atte Bromes .....Juratus	Willelmus Baudelchm .....Juratus		
Elias le Clerk .....Juratus	Johannes de Denne .....Juratus		
<b>HUNDREDUM DE BLENGATE.</b> Idem Robertus Capitalis ballivus Juratus		Electores	Henricus Underwalle .....Juratus Robertus de Wletyngdenne Juratus
Willelmus de Halwoldyng .....Juratus	Simon de Boyton .....Juratus		
Thomas Tubbe .....Juratus	Laurencius Cole .....Juratus		
Laurencius le Knap .....Juratus	Johannes de Bradelonde .....Juratus		
Willelmus Aylmer .....Juratus	Johannes atte Forstall de Stureye .....Juratus		
			Hamo de Mekyngbrok .....Juratus Johannes del Hagh .....Juratus







## HUNDREDUM DE ESTRY. Idem Robertus Capitalis ballivus Juratus

Henricus Perot ..... Juratus      Willihaus de Ticiendinne.....Juratus  
 Johannes Tannetre ..... Juratus      Nicholas Fekyn ..... Juratus  
 Ricardus filius Bernardi ..... Juratus      Wilhelmus le Mey ..... Juratus  
 Ricardus Sathlatoun ..... Juratus      Rogerus de Benesole ..... Juratus

Electores { Johannes de Erde ..... Juratus  
 { Johannes de Sandherst ..... Juratus

Johannes Colkyn ..... Juratus  
 Johannes Perot ..... Juratus

## HUNDREDUM DE CORNYLO. Idem Robertus Capitalis ballivus Juratus

Gilbertus Simon de      Robertus Fekyn ..... Juratus  
 Feoglesham ..... Juratus      Elias de Sutton ..... Juratus  
 Ricardus de Fulmeche de      Thomas filius Jordani Cullok Juratus  
 Siokleenne ..... Juratus      Walterus de Pette de Tyke-  
 Radulphus le Clerk de      hurst ..... Juratus  
 Rodeline-weld ..... Juratus  
 Joseph Russel de Waleniere. Juratus

Electores { Johannes Bailli de Dale ..... Juratus  
 { Robertus de Batleshangre .. Juratus

Henricus de Betleshangre.... Juratus  
 Ricardus Criel de Cotman-  
 tone..... Juratus

## HUNDREDUM DE BENSBERGH. Idem Robertus Capitalis ballivus Juratus

Johannes de Wlefaere ..... Juratus      Wilhelmus Randolf ..... Juratus  
 Nicholas filius Nicholai de      Henricus Boydyn ..... Juratus  
 Etre ..... Juratus      Alexander Salmon ..... Juratus  
 Stephanus atte Stretelonde Juratus      Johannes le Man ..... Juratus  
 Dionisius de Copelonde .... Juratus

Electores { Thomas Quaykman ..... Juratus  
 { Thomas de Basing ..... Juratus

Johannes del Sarcie ..... Juratus  
 Henricus filius Hugonis de  
 Bere ..... Juratus





## LASTUS DE SHEPEWEYE

HUNDREDUM DE FOLKESTANE. Johannes de Bullying Capitalis ballivus Juratus		Electores	{Johannes de Everyng .....Juratus Thomas de Pysing .....Juratus	
Thomas de Bereham .....	Juratus	Wilhelmus atte Stowe .....	Juratus	
Wilhelmus de Dyllingore ...	Juratus	Johannes Hamond .....	Juratus	
Johannes Denys de		Robertus de Stokke .....	Juratus	
Sottmere .....	Juratus	Johannes Thorald .....	Juratus	
Wilhelmus atte Mede .....	Juratus			
HUNDREDUM DE SPRETE. Idem Johannes Capitalis ballivus Juratus		Electores	{Johannes atte Knolle .....Juratus Johannes le Palmere .....Juratus	
Johannes Mermal .....	Juratus	Robertus Suvencel .....	Juratus	
Wilhelmus de Sutheneye ...	Juratus	Philippus atte Stighele ....	Juratus	
Johannes atte Pere .....	Juratus	Elias le Carpenter .....	Juratus	
Robertus de Grauntcourt ..	Juratus	Rogerus atte Coumbe .....	Juratus	
HUNDREDUM DE HEAN. Idem Johannes Capitalis ballivus Juratus		Electores	{Wilhelmus de Pedlyng .....Juratus Johannes at Lese .....Juratus	
Alanus atte Doune .....	Juratus	Simon Becke .....	Juratus	
Alexander atte Downe ....	Juratus	Robertus atte Lese .....	Juratus	
Simon Potewyne .....	Juratus	Clemens de Heventolle .....	Juratus	
Johannes atte Lokede .....	Juratus	Gilbertus de Longacre .....	Juratus	
HUNDREDUM DE HEAN. Idem Johannes Capitalis ballivus Juratus		Electores	{Johannes atte Stone .....Juratus Ricardus de Brokhull .....Juratus	



HUNDREDUM DE WORTHIE. Idem Johannes Capitalis ballivus Juratus	Electores { Thomas Elys ..... Juratus Adam Jakyn ..... Juratus
Robertus Warman ..... Juratus	Robertus atte Neuhouse .... Juratus
Johannes Ernecard ..... Juratus	Willelmus le Theyn ..... Juratus
Johannes filius Willelmi	
Elys ..... Juratus	
Martinus le Frenssh ..... Juratus	
HUNDREDUM DE NONYBERGH (sic). Idem Johannes Capitalis ballivus Juratus	Electores { Thomas de Boywyk ..... Juratus Thomas le Pestour ..... Juratus
Henricus filius Willelmi atte	
Mede ..... Juratus	
Henricus Bronman ..... Juratus	Robertus de Wodhull ..... Juratus
Johannes Bertram ..... Juratus	Thomas le Letchour ..... Juratus
Thomas Bronman ..... Juratus	
DANIDUM HUNDREDUM DE BYRCHIOLTE. Idem Johannes Capitalis ballivus	Electores { Robertus de Holme ..... Juratus Henricus de Shydeford ..... Juratus
Henricus le Frenssh ..... Juratus	
Walterus Donet ..... Juratus	
HUNDREDUM SANCTI MARTINI. Idem Johannes Capitalis ballivus Juratus	Electores { Johannes Colyn ..... Juratus Thomas Totewys ..... Juratus
Amicus Frode ..... Juratus	Adam Wastchar ..... Juratus
Willelmus atte House ..... Juratus	Petrus de Aghue ..... Juratus
Robertus de Wyveneford ..... Juratus	
Robertus Sampson ..... Juratus	



<b>HUNDREDUM DE ALOSEREGGE. Idem Johannes Capitalis ballivus Juratus .</b>		Electores	Willelmus de Brok.....Juratus { Aylwynus le White .....Juratus
Walterus Ornoth.....Juratus	Robertus de Benequik .....Juratus		
Willelmus Thurburn .....Juratus	Robertus Moys .....Juratus		
Thomas Beneyt .....Juratus	Adam Payn .....Juratus		
Willelmus Col .....Juratus	Robertus Tollkyn .....Juratus		
<b>HUNDREDUM DE NEUCHERCIL. Idem Johannes Capitalis ballivus Juratus</b>		Electores	Adam Romak .....Juratus { Ricardus Fryland .....Juratus
Johannes Colbe .....Juratus	Henricus le Tur .....Juratus		
Thomas de Shobery .....Juratus	Willelmus Hamond .....Juratus		
Willelmus de Pandhurst.....Juratus	Johannes atte Mede .....Juratus		
Alexander le Eel .....Juratus	Walterus Hughe.....Juratus		
<b>HUNDREDUM DE OXENE. Idem Johannes Capitalis ballivus Juratus</b>		Electores	Ricardus de Wytelesham ..Juratus { Johannes le White .....Juratus
Johannes atte Grene .....Juratus	Germanus Brounyng .....Juratus		
Willelmus Bonyland.....Juratus	Robertus de Ovenhamme ..Juratus		
Henricus Burgys .....Juratus	Willelmus atte Northlonde..Juratus		
Philippus de Peschdenne ...Juratus	Radulphus de Abbotelonde Juratus		
<b>HUNDREDUM DE STOUTYNG. Idem Johannes Capitalis ballivus Juratus</b>		Electores	Stephanus de Herdryndane .Juratus { Willelmus le Heyward .....Juratus
Ricardus Wodegan .....Juratus	Laurenceus Noble.....Juratus		
Walterus Wastelman.....Juratus	Johannes le Bokere .....Juratus		
Johannes atte Coumbe .....Juratus	Willelmus de Stoke .....Juratus		
Arnulphus de Cophurst .....Juratus	Bernardus de Bedestone ...Juratus		
			Willelmus de Hethe.....Juratus Walterus atte Broke .....Juratus



## HUNDREDUM DE HAMME. Idem Johannes Capitalis ballivus Juratus

Willelmus atte Clerche ..... Juratus  
 Thomas de Queldene ..... Juratus  
 Willelmus de Walshe ..... Juratus  
 Johannes le Gildene ..... Juratus  
 Willelmus Austyn ..... Juratus

Electores { Johannes de Litleheye ..... Juratus  
 Ricardus atte Chapel ..... Juratus

Willelmus Rode ..... Juratus  
 Jacobus Bertekyn ..... Juratus

## HUNDREDUM DE MIDDLETON. Idem Johannes Capitalis ballivus Juratus

Johannes Donkyn ..... Juratus  
 Ranulphus de Bynneye ..... Juratus  
 Adam de la Gare ..... Juratus  
 Willelmus Gylot ..... Juratus  
 Willelmus de Wyrmedale ..... Juratus  
 Willelmus Mokele ..... Juratus  
 Thomas Edward ..... Juratus  
 Gilbertus Martyn ..... Juratus

Electores { Radulphus de Hertlepe ..... Juratus  
 Johannes le Levenoth ..... Juratus

Robertus de Bakechild ..... Juratus  
 Willelmus Markaunt ..... Juratus

## HUNDREDUM DE MEREDENNE. Idem Johannes Capitalis ballivus Juratus

Petrus de Hersbert ..... Juratus  
 Adam de Herindenne ..... Juratus  
 Galfridus atte Westlonde ..... Juratus  
 Gervasius atte Pyrie ..... Juratus  
 Alanus de Rode ..... Juratus  
 Johannes de Werborne ..... Juratus  
 Willelmus atte Hamme ..... Juratus  
 Johannes de Wondeshese ..... Juratus

Electores { Ilamo atte Westlonde ..... Juratus  
 Adam de Hyrdesfelde ..... Juratus

Adam le Clerk de Pakherst ..... Juratus  
 Thomas de Wyndeshese ..... Juratus

## HUNDREDUM DE WETHELSTONE. Idem Johannes Capitalis ballivus Juratus

Goedefridus Leggy ..... Juratus  
 Walterus Moxle ..... Juratus  
 Willelmus Wronge ..... Juratus  
 Radulphus le Clerk ..... Juratus  
 Ricardus Sowale ..... Juratus  
 Edmundus de Parstede ..... Juratus  
 Johannes de Hasdenne ..... Juratus  
 Robertus Wylkyn ..... Juratus

Electores { Johannes de Baridene ..... Juratus  
 Rogerus le Prude ..... Juratus

Robertus de Hasdenne ..... Juratus  
 Thomas Salamon ..... Juratus





CIVITAS CANTUARIE. Idem Johannes Capitalis ballivus Juratus		Electores	{ Alexander Cokyn ..... Juratus Robertus de la Haye ..... Juratus
Ricardus de Haddeseye.....Juratus	Bartholomeus de Hereford	Juratus	
Nicholaus Phelip.....Juratus	Philippus de Chelcsfeld ....Juratus		
Johannes atte Forstall.....Juratus	Ricardus Bonelatche ....Juratus		
Robertus de Sancto Martino Juratus	Robertus le Tallour.....Juratus		
DIMIDIUM HUNDREDUM DE LANGEPORT. Idem Johannes Capitalis ballivus Juratus		Electores	{ Wilhelmus de Basinges ..... Juratus Wilhelmus de Septemvannis Juratus
Johannes Barrok .....Juratus	Johannes de Hope .....Juratus		
Wilhelmus Lutrich.....Juratus	Wilhelmus Colebrand .....Juratus		
CIVITAS ROFFE. Simon Potyn ballivus Juratus		Electores	{ Gilbertus Gildewyne ..... Juratus Adam Brid ..... Juratus
Clemens le Claundeler .....Juratus	Johannes Russel .....Juratus		
Thomas The Gom .....Juratus	Bartholomeus Burdoun .....Juratus		
Ricardus Kenclos.....Juratus	Wilhelmus Jurdan .....Juratus		
Johannes atte Halle.....Juratus	Wilhelmus Koman .....Juratus		
	Nicholaus de Woldham .....Juratus		
	Johannes Godwyne .....Juratus		



## GLOSSARY

**ATTAMINATA.** A corrupt form of *Atterminata*, 'adjourned.'

**BROOCH.** Probably a special thrusting weapon of the *estoc* (German, *Panzerstecher*) type: a long, stiff, triangular or, sometimes, quadrangular-bladed weapon, used for defence of breaches and the like; also carried by horsemen.

**BURSE.** The case which holds the 'corporal' or linen-cloth on which the Sacred Host is placed at Mass.

**CLAHER.** Professor Skeat takes this to be the Norman form of a lost Low Latin 'clavare,' meaning to lock up with a *claf* or *clavis*. In our text he supposes it to mean 'the Justice must not lock himself up,' i.e. make himself inaccessible, refuse to act.

**GYSARME.** The gisarime is a scythe-shaped weapon, fixed on a long shaft; it is double-edged, and provided with a hook and spurs. It is often mentioned in chronicles of the thirteenth century, and is specially alluded to by Froissart in the next century. See R. C. Clephan, *Defensive Armour, etc.* (London, 1900), p. 202, and C. H. Ashdown, *British and Foreign Arms and Armour* (1909), p. 320.

**KIDELLUS.** 'A dam, weir or barrier in a river, having an opening in it fitted with nets or other appliances for catching fish.' *Oxford English Dictionary*, q.v.

**SCARBELLUS.** Probably some modification of an engine used for trapping moorhens, defined by *Ducange* as follows: 'Instrumentum ad capiendas porzanas in cannosus vallibus ubi morantur, ex duobus arcubus valde plicetis confectum ab invicem distantibus, inter quos modicum postponitur fructus herbæ cochæ, similis per omnia cerasis, quem accipere volunt, et collo stringuntur.'

**SCOTALE or FESTALE.** 'Public computations at the charge of some for the benefit of others.'—*Spelman*. 'Abuses put on the King's people by his officers, who invited them to drink ale, and then made a collection, to the end they should not vex or inform against them for the crimes they had committed or should commit.'—*Brady*. But these 'Scotales' were not the monopoly of the King's officers. They were held by bailiffs of hundreds, liberties and manors; probably, in fact, by any official who knew that his favour was worth buying. They were held even by sheriffs. Cf. an *Inspecimus* and *Confirmation* of 40 Henry III: 'ita quod vicecomes meus Centuric vel aliquis alius ballivus scotalam non faciat.' (*Calendar of Chancery Rolls*, II. p. 472.) The lord of a manor's 'scotale' is too well known to need any mention here. The 'scotale' of the text was a quite different matter.



**TOAILLE.** In a church might be either an altar-cloth or a towel. Cf. *Godefroi*.

'Des toailles des altels prises  
Feseient braies e kemises.'—Wace, *Rou*, i. 276.

'A lautel de la mazelainne un touwele de .iiiiij. aunes.'—Test. de Jeh. Baboc, clerc de S. Brice, 1284. 'Une touaile pour le prestre essuer ses mains.'—*Cart. de Flines*, 1301.

**TRESAILY.** 'Passer sous silence, laisser de côté.' Cf. *Godefroi*. There can be little doubt that 'cesaily' in the text is a mistake for 'tresaily.' 'Tresaily' gives us just the meaning the context demands. Professor Skeat points out that the mistake is more easily to be accounted for by the fact of the existence of a sb. *cesail*, the Norman form of the Old French *chesal*, a house; Low Latin *casale*, dimin. of Latin *casz*, a cottage. A p.p. 'cesaily' of a verb 'cesailir,' coined from the sb. 'cesail' could only mean 'housed' or 'stored,' a meaning which the context clearly does not admit.

**WAN.** The true old form of the Norman *gan*, which is the Norman form of Old French *gain*, French *gain*, and English *gain*; with the meaning, in our text, of 'assessed or realised value.' See *Introduction*.



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GRAY, Professor J. C.	60 State Street, Boston.
HALE, Richard W.	60 State Street, Boston.
HILL, A. D.	53 State Street, Room 1033, Boston.
LEVERETT, George V.	53 Devonshire Street, Boston.
PUTNAM, Miss Bertha H.	Mt. Holyoke College, South Hadley.
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## NEW ZEALAND:

**Mr. Justice F. REVANS CHAPMAN**      Dunedin.



# RULES

## As Amended.

1. The Society shall be called the Selden Society.

2. The object of the Society shall be to encourage the study and advance the knowledge of the history of English Law, especially by the publication of original documents and the reprinting or editing of works of sufficient rarity or importance.

3. Membership of the Society shall be constituted by payment of the annual subscription, or, in the case of life members, of the composition. Form of application is given at the foot.

4. The annual subscription shall be £1. 1s., payable in advance on or before the 1st of January in every year. A composition of £21 shall constitute life membership from the date of the composition, and, in the case of Libraries, Societies and corporate bodies, membership for 30 years.

5. The management of the affairs and funds of the Society shall be vested in a President, two Vice-Presidents, and a Council consisting of fifteen members, in addition to the *ex officio* members. The President, the two Vice-Presidents, the Literary Director or Directors, the Secretary, and the Treasurer shall be *ex officio* members. Three shall form a quorum.

6. The President, Vice-Presidents, and Members of the Council shall be elected for three years. At every Annual General Meeting such one of the President and Vice-Presidents as has, and such five members of the Council as have served longest without re-election, shall retire.

7. The five vacancies in the Council shall be filled up at the Annual General Meeting in the following manner: (a) Any two Members of the Society may nominate for election any other member by a writing signed by them and the nominated member, and sent to the Secretary on or before the 14th of February. (b) Not less than fourteen days before the Annual General Meeting the Council shall nominate for election five members of the Society. (c) No person shall be eligible for election on the Council unless nominated under this Rule. (d) Any candidate may withdraw. (e) The names of the persons nominated shall be printed in the notice convening the Annual General Meeting. (f) If the persons nominated, and whose nomination shall not have been withdrawn, are not more than five, they shall at the Annual General Meeting be declared to have been elected. (g) If the persons nominated, and whose nomination shall not have been withdrawn, shall be more than five, an





election shall take place by ballot as follows : every member of the Society present at the Meeting shall be entitled to vote by writing the names of not more than five of the candidates on a piece of paper and delivering it to the Secretary or his Deputy, at such meeting, and the five candidates who shall have a majority of votes shall be declared elected. In case of equality the Chairman of the Meeting shall have a second or casting vote. The vacancy in the office of President or Vice-President shall be filled in the same manner (*mutatis mutandis*).

8. The Council may fill casual vacancies in the Council or in the offices of President and Vice-President. Persons so appointed shall hold office so long as those in whose place they shall be appointed would have held office. The Council shall also have power to appoint Honorary Members of the Society.

9. The Council shall meet at least twice a year, and not less than seven days' notice of any meeting shall be sent by post to every member of the Council.

10. The Council may appoint a Literary Director or Directors, a Secretary, a Treasurer, and such other officers as they shall from time to time think fit, to hold office during the pleasure of the Council; and may from time to time prescribe their respective duties; and may make any arrangement for the remuneration of any officer which they may from time to time think reasonable.

11. It shall be the duty of the Literary Director or Directors (but always subject to the control of the Council) to supervise the editing of the publications of the Society, to suggest suitable editors, and generally to advise the Council with respect to carrying the objects of the Society into effect.

12. Each member shall be entitled to one copy of every work published by the Society as for any year of his membership. No person other than an Honorary Member shall receive any such work until his subscription for the year as for which the same shall be published shall have been paid. Provided that any member may be supplied with any publications on such terms as the Council may from time to time determine.

13. The funds of the Society, including the vouchers or securities for any investments, shall be kept at a Bank, to be selected by the Council, in the name of the Society. Such funds or investments shall only be dealt with by a cheque or other authority signed by the Treasurer and countersigned by one of the Vice-Presidents or such other person as the Council may from time to time appoint.

14. The accounts of the receipts and expenditure of the Society up to the 31st of December in each year shall be audited once a year by two Auditors, to be appointed by the Society, and the report of the Auditors, with an



abstract of the accounts, shall be circulated together with the notice convening the Annual Meeting.

15. An Annual General Meeting of the Society shall be held in March 1896, and thereafter in the month of March in each year. The Council may upon their own resolution and shall on the request in writing of not less than ten members call a Special General Meeting. Seven days' notice at least, specifying the object of the meeting and the time and place at which it is to be held, shall be posted to every member resident in the United Kingdom at his last known address. No member shall vote at any General Meeting whose subscription is in arrear.

16. The Secretary shall keep a Minute Book wherein shall be entered a record of the transactions, as well at Meetings of the Council as at General Meetings of the Society.

17. These rules may upon proper notice be repealed, added to, or modified from time to time at any meeting of the Society. But such repeal, addition, or modification, if not unanimously agreed to, shall require the vote of not less than two-thirds of the members present and voting at such meeting.

*March 1909.*

## FORM OF APPLICATION FOR MEMBERSHIP.

*To the Honorary Secretary of the Selden Society.*

I desire to become a member of the Society, and herewith send my cheque for One Guinea, the annual subscription [or £21 the life contribution] dating from the commencement of the present year. [I also desire to subscribe for the preceding years. , and I add one guinea for each to my cheque.]

Name .....

Address .....

Description .....

Date .....

[NOTE.—Cheques, crossed "ROBARTS & Co.," should be made payable to the Selden Society. Forms of bankers' orders for payment of subscriptions direct to the Society's banking account can be obtained from the Secretary or Treasurer.]

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